

HOUSE OF REPRESENTATIVES—Wednesday, July 12, 1989

The House met at 10 a.m.

The Reverend Timothy J. O'Brien, Marquette University, Milwaukee, WI, offered the following prayer:

Let us pray.

Heavenly Father, we beseech Your blessing on the Members of this body, their families, their staffs, and their interns, especially those interns studying for tests.

Lord, we gratefully acknowledge the multitude of gifts You have bestowed on this planet, and this Nation in particular.

We ask Your forgiveness for our sins of commission and those of omission; and, we pray, today, in a special way for purity of insight to discern Your will, and strength of character to labor in behalf of all Your people, especially the poor, the oppressed, and those who live without freedom, opportunity, and human dignity.

Lord, we acknowledge our dependence upon You; we acknowledge that we are made in Your image; and entrusted by You to steward the resources of this Earth, and to serve all Your people. Help us be faithful servants whose labor is marked with humility, kindness, and compassion. Let arrogance, narcissism, and reckless consumption be our enemies. And in a special way, Lord, we remember two former Members of this Chamber, both from Wisconsin, both of whom I had the privilege of working with for Your glory—Clement J. Zablocki and William A. Steiger. May their souls and all the souls of the faithful departed rest in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DUNCAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 97, not voting 22, as follows:

[Roll No. 131]

YEAS—312

Ackerman	Erdreich	Lehman (CA)
Akaka	Espy	Lehman (FL)
Alexander	Evans	Leland
Anderson	Fascell	Lent
Andrews	Fazio	Levin (MI)
Annunzio	Feighan	Levine (CA)
Anthony	Fish	Lewis (GA)
Applegate	Flake	Lipinski
Archer	Filippo	Lloyd
Aspin	Foglietta	Long
Atkins	Ford (MI)	Lowe (NY)
AuCoin	Ford (TN)	Lukens, Thomas
Barnard	Frank	Manton
Bartlett	Frenzel	Martinez
Bateman	Gallo	Matsui
Bates	Garcia	Mavroules
Beilenson	Gaydos	Mazzoli
Bennett	Gedjenson	McCloskey
Bereuter	Gephardt	McCollum
Berman	Gibbons	McCrery
Bevill	Gilman	McCurdy
Bilbray	Gingrich	McDade
Bliley	Glickman	McDermott
Bonior	Gonzalez	McEwen
Borski	Gordon	McHugh
Bosco	Gradison	McMillan (NC)
Boucher	Grant	McMillen (MD)
Boxer	Gray	McNulty
Brennan	Green	Meyers
Broomfield	Guarini	Mfume
Browder	Gunderson	Miller (CA)
Brown (CA)	Hall (OH)	Miller (WA)
Bruce	Hamilton	Mineta
Bryant	Hammerschmidt	Moakley
Bustamante	Hansen	Mollohan
Byron	Harris	Montgomery
Callahan	Hatcher	Moody
Campbell (CA)	Hawkins	Moorhead
Campbell (CO)	Hayes (IL)	Morella
Cardin	Hayes (LA)	Morrison (CT)
Carper	Hefner	Morrison (WA)
Clarke	Henry	Mrazek
Clement	Hertel	Murtha
Coleman (TX)	Hiler	Myers
Combust	Hoagland	Nagle
Conte	Hochbrueckner	Natcher
Conyers	Horton	Neal (MA)
Cooper	Houghton	Neal (NC)
Costello	Hoyer	Nelson
Cox	Hubbard	Nielson
Coyne	Huckaby	Nowak
Craig	Hughes	Oakar
Crockett	Hutto	Oberstar
Darden	James	Obey
Davis	Jenkins	Olin
de la Garza	Johnson (CT)	Ortiz
DeFazio	Johnson (SD)	Owens (NY)
Dellums	Johnston	Oxley
Derrick	Jones (GA)	Packard
Dicks	Jones (NC)	Pallone
Dingell	Jontz	Panetta
Donnelly	Kanjorski	Parker
Dorgan (ND)	Kaptur	Patterson
Dornan (CA)	Kasich	Payne (NJ)
Downey	Kastenmeier	Payne (VA)
Dreier	Kennedy	Pease
Durbin	Kennelly	Pelosi
Dwyer	Kildee	Penny
Dymally	Kleczka	Perkins
Dyson	Kolter	Petri
Early	Kostmayer	Pickett
Eckart	LaFalce	Pickle
Edwards (CA)	Lancaster	Porter
Emerson	Lantos	Poshard
Engel	Laughlin	Price
English	Leath (TX)	Pursell

Quillen	Schumer	Tallon
Rahall	Sharp	Tanner
Rangel	Shaw	Tauzin
Ray	Shumway	Thomas (GA)
Regula	Shuster	Torres
Richardson	Sisisky	Torricelli
Rinaldo	Skaggs	Towns
Ritter	Skeen	Traficant
Robinson	Skelton	Traxler
Roe	Slattery	Udall
Rohrabacher	Slaughter (NY)	Unsoeld
Rose	Smith (FL)	Valentine
Rostenkowski	Smith (IA)	Vander Jagt
Rowland (CT)	Smith (NE)	Vento
Rowland (GA)	Smith (NJ)	Visclosky
Roybal	Smith (VT)	Voikmer
Russo	Solarz	Walgren
Sabo	Spence	Walsh
Saiki	Spratt	Watkins
Sangmeister	Staggers	Waxman
Sarpalius	Stallings	Weiss
Savage	Stark	Whitten
Sawyer	Stearns	Wilson
Saxton	Stenholm	Wolpe
Scheuer	Stokes	Wyden
Schiff	Studds	Wylie
Schneider	Swift	Yates
Schulze	Synar	Yatron

NAYS—97

Armey	Holloway	Schaefer
Baker	Hopkins	Schroeder
Ballenger	Hunter	Sensenbrenner
Billakis	Inhofe	Shays
Boehler	Ireland	Sikorski
Brown (CO)	Jacobs	Slaughter (VA)
Buechner	Kolbe	Smith (MS)
Bunning	Kyl	Smith (TX)
Burton	Lagomarsino	Smith, Denny
Chandler	Leach (IA)	(OR)
Clay	Lewis (CA)	Smith, Robert
Clinger	Lewis (FL)	(NH)
Coble	Lightfoot	Smith, Robert
Coleman (MO)	Lukens, Donald	(OR)
Coughlin	Machtley	Snowe
Courter	Madigan	Solomon
Crane	Markey	Stangeland
Dannemeyer	Marlenee	Stump
DeLay	Martin (IL)	Sundquist
DeWine	Martin (NY)	Tauke
Dickinson	McCandless	Thomas (CA)
Douglas	McGrath	Thomas (WY)
Duncan	Michel	Upton
Fawell	Miller (OH)	Vucanovich
Fields	Molinar	Walker
Gallegly	Parris	Weber
Gekas	Pashayan	Weldon
Goodling	Paxon	Wheat
Goss	Rhodes	Whittaker
Grandy	Ridge	Wolf
Hancock	Roberts	Young (AK)
Hastert	Rogers	Young (FL)
Hefley	Roth	
Herger	Roukema	

NOT VOTING—22

Barton	Edwards (OK)	Murphy
Bentley	Florio	Owens (UT)
Boggs	Frost	Ravenel
Brooks	Gillmor	Schuetz
Carr	Hall (TX)	Williams
Chapman	Hyde	Wise
Collins	Livingston	
Dixon	Lowery (CA)	

□ 1023

So the Journal was approved.
The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. DREIER] please lead the House in the Pledge of Allegiance.

Mr. DREIER of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND TIMOTHY J. O'BRIEN

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I would like to thank Father O'Brien for giving today's opening prayer.

Rev. Timothy J. O'Brien is a professor of political science at Marquette University in Milwaukee, WI. With a strong interest in politics, he has been active on Capitol Hill in various Congressional offices for the past 15 years. Father O'Brien, in conjunction with Ivo Spalitin, a graduate of Marquette University and the staff director of the Subcommittee on Arms Control, International Security and Science, directs the Marquette University intern program which is in its 2d year.

This 2-month program allows over 30 students, at undergraduate and graduate levels, to receive academic credit through their internships in both House and Senate offices. The students also attend a class on the Congress and foreign policy, which consists of daily lectures, not only from Father O'Brien and Mr. Spalitin, but also from those in the media, notable scholars, and Members of Congress.

The Marquette intern program offers the students Hill experience, as well as a strong foundation to become the leaders of tomorrow.

Again, thank you, Father O'Brien, for the opening prayer and for your work with the Marquette intern program.

THE PHYSICIAN REFORM PACKAGE

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, I rise with mixed emotions to speak to the physician reform package recently adopted by the Ways and Means Health Subcommittee for the Medicare system. I strongly support and applaud their adoption of a national fee schedule for physicians which is calculated on the relative value of the medical care provided. This is an important step which will remove many inequi-

ties that currently exist in the payment of various physician specialties.

However, I question the wisdom of their adoption of the concept of expenditure targets which will have the effect of rationing health care among our elderly and disabled. Regrettably that rationing process will fall unfairly on the physician who will be placed in a position of having to determine whom he will treat and who might die for lack of treatment. Very clearly the physician community must play an important role in bringing down the cost of health care. However, I question whether or not this is the way to do it. The physician should have his patient as his first concern and not be expected to make life and death decisions based on economic rather than medical considerations.

□ 1030

WEST TEXANS SUPPORT CONSTITUTIONAL AMENDMENT

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COMBEST. Mr. Speaker, following the Supreme Court's decision on the desecration of the flag, a large number of Americans in west Texas notified me of their opposition to that ruling. Appropriately, a radio station in Lubbock, TX, new weathervane of America, started a petition drive over the July 4 weekend and delivered it to me yesterday appropriately bound in red, white, and blue ribbons, with 25,000 signatures of those people who agree with the President on the constitutional amendment.

I think that this picture of this young lady leaning over and kissing the flag is very symbolic of their feeling. I believe that these petitions and the signatures hereon are very symbolic of the feeling of a majority of American people that we will not stand by and watch the desecration of the flag.

Mr. Speaker, I am including in the RECORD the letter to the President that we will include as we deliver these petitions to his office.

Hon. GEORGE H.W. BUSH,
President of the United States of America,
The White House, 1600 Pennsylvania
Avenue, Washington, DC.

DEAR MR. PRESIDENT: We The People, recognizing that ours is a nation of laws, and not of men, would have you know that we, the undersigned Americans, do resolutely and emphatically support your efforts to cause to be made a constitutional amendment prohibiting the desecration, disrespect, irreverence, or misuse of the Flag Of The United States of America.

We would further advise you, Mr. President, that we shall be watching the Congress, and will rise up against those who would oppose this effort.

We The People, therefore, do hereunto affix our signatures and urge you to continue, with all haste, your efforts to end the

cause of our indignation, disbelief, and outrage.

Respectfully,

WE THE PEOPLE.

INTRODUCTION OF THE PUBLIC SAFETY OFFICERS COMPENSATION ACT

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, in 1987, two Atlanta police officers, Richard Williams and J.J. Biello, were permanently paralyzed while serving and protecting the citizens of Georgia. As we speak here today, somewhere in America, a police officer is risking his or her life in the line of duty. Some years ago, my father-in-law Bob Walker, an Atlanta policeman, took a bullet. Another constituent, former chief Roland Vaughan of Conyers, GA, was shot by a cocaine dealer when Roland went in first on a drug bust. Every year scores of law enforcement officers are killed and many more are wounded. Some are permanently disabled. Mr. Speaker, today our colleague, Mr. MANTON of New York is introducing the Public Safety Officers Compensation Act which would extend current benefits to officers who have been struck down while doing their jobs. I am honored to co-sponsor this badly needed legislation. It is the least we can do for those who are in the front line against crime and drugs. The men and women who have put their lives at risk for us and suffered permanent and totally disabling injury need the assistance this bill provides.

Mr. Speaker, I urge my colleagues to give it their full support.

CONGRATULATIONS TO PRESIDENT SALINAS OF MEXICO

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, over the years there are many of us who have been critical of the Government of Mexico because of corruption, drug trafficking, a wide range of things including a lack of democracy.

Mr. Speaker, while President Bush is in Hungary and Poland and traveling throughout the world encouraging democratic expansion, we have just seen one of the greatest, most historic developments in behalf of the cause of democracy in Mexico. President Salinas de Gortari is about to allow for the first time in the 61-year history of one-party control by the Institutional Revolutionary Party in Mexico, the opposition PAN party, the National

Action Party, to win the governorship in Baja California.

I, Mr. Speaker, would simply like to express my congratulations to President Salinas for this very bold and dramatic move.

LET STREET KILLERS KNOW WE HAVE HAD ENOUGH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, street killers have a new word now. It is called mushrooms. Mushrooms stands for street people who pop up in the line of fire, and that is fire from semiautomatic and battlefield-type assault weapons.

Mr. Speaker, that is the type of contempt that street hoods have for innocent bystanders. In the last 3 years, 250 innocent bystanders were shot, 71 of them killed, cold-blooded murder, and while cemeteries grow, emergency rooms are packed, Congress is basically doing nothing but allowing open hunting season on Americans.

Mr. Speaker, I think it is time for the death penalty, and I think it is time to let these hoods know we have had enough. We have 20,000 murders a year in America, and Congress is sitting back watching it like as if it was a television series.

OUTER CONTINENTAL SHELF DRILLING IN FLORIDA WATERS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, today the House will consider the interior appropriations bill for fiscal year 1990 with a 3-year moratorium on Outer Continental Shelf drilling along the gulf coast of Florida intact.

As a former petroleum engineer myself, I fully appreciate the intricacies of offshore drilling. I am also completely aware of our need for a sound, secure domestic energy supply. However, while wells sit idle elsewhere in this country, I emphatically cannot support any venture into such environmentally sensitive areas as Florida's gulf waters. Can we afford to expose our single living coral reef to such dangers? I think not.

The moratorium does not allow the straits of Florida and the Florida Keys, the area between 26 and 25 degrees north latitude in the eastern Gulf of Mexico, the buffer zone around the State of Florida, and the NASA flight clearance zone to be included in any OCS 5-year leasing program plans. This moratorium is not designed to thwart energy independence goals for America, but to promote a sane policy that balances present

needs and environmental concerns. The easy road to any goal is not always the correct one. Let us do the right thing in Florida's coastal waters.

INTRODUCTION OF LEGISLATION OPENING UP IRA'S TO FIRST-TIME HOME PURCHASES

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, for the first time in a half century, 50 years, the percentage of people in this country owning their own homes has declined. Young families trying to capture their share of the American dream are particularly hard hit.

That is why I have introduced legislation to open up the individual retirement account to allow tax free withdrawals for first-time home purchases. My bill also will provide deductions for education and long-term health care.

These provisions will encourage citizens to make a wise investment in a flexible IRA account, expanding the IRA to include housing, and it will help encourage homeownership as a national priority. Moreover, money put into the private savings vehicles like the IRA's does not just sit there. It keeps America competitive, and it multiplies. It provides the economic benefits of adding to the savings pool and the social benefits of giving the saver more control over the condition and quality of his life.

I would like to encourage the Members of Congress to join with me in cosponsoring this legislation.

ATTACKS ON RELIGIOUS BELIEFS SHOULD NOT BE FUNDED WITH GOVERNMENT MONEY

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, as a member of the Christian community, I am deeply offended that the taxpayers' money has been used to finance the blasphemous works of Andres Serrano. Free speech is one thing, but to allow the use of public funds to mock religious beliefs is inexcusable.

I fully support the directives of the gentleman from Illinois [Mr. YATES] to the heads of the National Endowment for the Arts and the Humanities asking for a review of the process of awarding grants such as the one for Mr. Serrano. The formula of the gentleman from Illinois [Mr. YATES] is certainly a step in the right direction.

I want to thank the gentleman this morning for his efforts to try to rein this kind of outrage in. As we consider the Interior appropriations bill which includes fundings for the NEA, let us

keep in mind that the taxpayers are fed up with this kind of waste. If anyone wishes to make outrageous artistic statements, this country gives them the right to do so, but not with the help of Government money.

We intend to remain vigilant and ensure that such scurrilous attacks on religious beliefs with Government support do not happen again.

CONSTITUTIONAL AMENDMENT TO PRECLUDE ILLEGAL ALIENS FROM DECENNIAL CENSUS

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, today I again rise to ask for the support of my colleagues in correcting what I believe is an ill-conceived and unjust policy of the U.S. Census Bureau.

The U.S. Census Bureau has indicated that it intends to continue counting illegal aliens for the purpose of reapportionment when the decennial census is taken next year. As a direct result of this policy, some States will lose seats in the House of Representatives and other States will gain seats because of the hundreds of thousands, or perhaps even millions, of illegal aliens that presently reside in this country.

The effect of the current Census Bureau policy is to ensure that U.S. citizens are not represented equitably.

In my view, and the view of the 36 cosponsors of House Joint Resolution 199, only by amending the Constitution will the interests of our citizens be assured and protected.

I urge your support for this measure.

□ 1040

THE EDUCATION PERFORMANCE AGREEMENT

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Vermont. Mr. Speaker, today I am introducing legislation to begin a demonstration program for the benefit of our Nation's schoolchildren. It is called the Educational Performance Agreement, and it represents a new way of thinking about their educational needs and education excellence: Empowering schools and the people directly involved with them to create the excellence we need.

For years local educational authorities have worked under an increasing burden of paperwork; and ineffective regulations intended for other districts in other areas; and a granite-faced Federal bureaucracy which assumes that all school districts are the same, or should be made the same. My own

State of Vermont has 277 mostly rural districts, each one different, and none with the same problems as their counterparts throughout the Nation. Each needs a different solution; some may not need any.

Mr. Speaker, my Educational Performance Agreement bill would allow a small number of districts to combine all the money they receive from both Federal and State governments, no matter from what program. In return for an agreement, with clear goals for the improvement of service to their children, these 10 to 20 school districts could design their own programs, because they know best what's needed. If they don't meet the goals, they're dropped from the program.

The Educational Performance Agreement is about freedom and flexibility. Freedom to innovate and create new approaches that others might adopt, and flexibility to tailor the education our schools provide to the districts they serve.

I urge my colleagues to support this important legislation.

HOLLOWAY-SCHULZE TODDLER TAX CREDIT

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, out of our concern for the needs of families in the care of their children, Congressman SCHULZE and I introduced the Holloway-Schulze toddler tax credit. Many other Members have joined us in this effort. As a result, with 114 cosponsors, the Holloway-Schulze bill is the most widely supported child care bill in the House of Representatives.

Our bill strengthens families by allowing them to choose the type of care their children need. Bills such as ABC and H.R. 3 only reward those parents who let the Federal Government decide which type of child care they may receive. These bills are a comprehensive attempt by the Federal Government to take over the nursery, dictate which forms of child care are acceptable and cut parents out of the process.

Our bill does not discriminate among child care providers. Whether a family chooses to care for their own children, or have them cared for by relatives, neighbors, religious, or commercial providers, they would receive the toddler tax credit.

Even with the superficial changes recently made to ABC and H.R. 3, they still leave parents who watch their own children completely out of the picture. This amounts to some 65 percent of families. I believe parents who make financial sacrifices, in the form of less income, so they can watch their own children, deserve the same assist-

ance as families who choose to send their children to day care centers. A recent survey by Time magazine shows the No. 1 reason for the increased crime rate among youth is lack of parental supervision. Yet ABC and H.R. 3 give no help to parents who care for their own children.

My bill also provides a credit to parents who choose to have their children cared for by religious providers. Churches play an important part in child care. They usually provide care at reduced rates to be of service to economically needy families. Approximately one-third of all child-care centers are church sponsored or based. ABC and H.R. 3, even in their amended form, still only allow church providers to receive assistance if they remove all traces of religion. Under ABC and H.R. 3 milk and cookie prayers or religious pictures would be forbidden. And church sponsored providers who don't comply with the rules will lose Government assistance. Yet, at the same time they will be forced into a no-win situation of competing with federally subsidized commercial child-care providers.

Supporters of ABC not only believe parents cannot be trusted to make the right choices about their children's care, they also believe parents cannot be trusted with money for child care. They criticize my bill because it entrusts money to parents. They believe the Federal Government is more honest than parents when it comes to spending money. I think anyone who believes this should take a look at the scandals within the Department of Housing and Urban Development in the news today.

The recent changes made to ABC and H.R. 3 are merely cosmetic; the bills' fundamental problems remain. With the Holloway-Schulze bill what you see is what you get. Our bill gives more assistance and more choice to more families at less cost than any other bill. No wonder it has attracted more formal and grassroots support than all other child-care bills.

SUPPORT ARMEY AMENDMENT TO INTERIOR APPROPRIATION BILL

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, should Federal taxpayer funds be given to assemble a photography exhibit that contains the photograph of a crucifix submerged in a jar of urine or other photographs of child pornography? I do not think so, and I am sure most of our colleagues would agree.

The National Endowment for the Arts disagrees, however. They paid \$45,000 in taxpayer money for such displays calling them art. That is why 106 Members of Congress wrote to the

National Endowment demanding tougher grantmaking guidelines.

The National Endowment has told us we do not know much about art, that we should mind our own business. That is why I plan to support the Armeiy amendment to the Interior appropriation bill today which will cut the National Endowment funds by 10 percent.

This is not a question of censorship. It is a question of whether or not the public is going to be forced to subsidize artworks that offend the religion or moral sensibilities of many Americans.

Let us send the National Endowment for the Arts a clear message and adopt the Armeiy amendment.

PROTESTING PROCEDURES OF NATIONAL ENDOWMENT FOR THE ARTS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to protest the National Endowment for the Arts procedures that have allowed Government funds to be spent on two works that are highly offensive to almost all Americans.

Before I continue, allow me to say that I am not suggesting that men and women in America do not have a right to create tasteless works. They do. But they do not have a right to be rewarded for their excesses with taxpayer dollars.

One of the works in question is a photograph of a physically disgraced crucifix. The author of this outrage was rewarded with \$15,000 taxpayer dollars.

Mr. Speaker, I believe that the Government can and should play a positive role in sponsoring art and cultural events. I believe that PBS, both the television and the radio networks, are doing a good job giving almost every American home access to the finest educational and cultural works from this country and around the world. And for the most part, the National Endowment for the Arts and other similar agencies are fulfilling their public responsibilities.

But in these two instances, something has gone wrong. The system is not working. And it is a tragedy that in receiving taxpayer funding, these two grants drained resources away from a sincere artist whose work went unrecognized.

I support the efforts of my colleagues to bring attention to the problem of Government sponsorship of such works. I, and many others in Congress from both Houses and both parties, believe very strongly that something needs to be done. I suggest that the National Endowment for the

Arts create a new set of written guidelines that will prevent this abuse of taxpayer dollars in the future.

Mr. Speaker, I want to thank Chairman YATES for his actions regarding this matter.

PRESIDENT BUSH'S VISIT TO HUNGARY

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, all Americans and freedom-loving people everywhere rejoiced at the presentation the President made earlier today before the Parliament in Budapest, Hungary, the first President of the United States to ever visit that country that is leading the charge behind the Iron Curtain and throughout the Warsaw Pact toward freedom and democracy.

Mr. Speaker, this was a special moment for all of us, as I said, but especially for a colleague of ours, the honorable gentleman from California, Mr. THOMAS LANTOS, a native son of Budapest, who has been recognized as perhaps not only one of this body's most articulate spokesmen, but a true champion of freedom and a lover of Hungary. The gentleman from California [Mr. LANTOS] has been of great service to this country and to freedom as he has sought to work on a cooperative basis day after day, personally with the leadership of that country, and then to convince the President of the United States that in his first trip abroad to a non-allied country to visit Hungary and to express our solidarity with that great nation. I commend the gentleman from California on this great accomplishment that was completed today with the leader of the free world speaking before the leadership of the nation of Hungary.

VOTE NO ON H.R. 987, TONGASS TIMBER REFORM ACT

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Alaska. Mr. Speaker, in this short week as we work I want to remind my colleagues we are to have a bill on the floor of the House tomorrow concerning a large area of my district, the Tongass National Forest.

Many of my colleagues received correspondence from my office and I know correspondence from the office of Mr. MRAZEK and Mr. MILLER. But I hope that the Members of this House will look at the ramifications to the workers of my district.

If H.R. 987 was to pass, it would cost 6,000 jobs in my district. It is the job of Congress to keep Americans work-

ing and providing employment opportunities for the youth of this Nation.

There will be another bill offered as a substitute to H.R. 987 out of the Agriculture Committee by the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Missouri [Mr. VOLKMER]. That bill could be supported, and I am asking for a yes vote on that legislation, but a resounding no vote on H.R. 987, a bill that will cost jobs of Alaskan workers and deprive the youth of that State of an opportunity. More than that, it is an unfair attempt to cripple this Nation again in its trade deficit.

So I urge a no vote on H.R. 987 tomorrow.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 194 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 194

Resolved, That during the consideration of the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, all points of order against the following provisions of the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 3 through page 3, line 14; beginning on page 6, line 10 through page 8, line 10; beginning on page 10, line 9 through page 11, line 15; beginning on page 13, line 7 through page 14, line 8; beginning on page 16, lines 6 through 10; beginning on page 42, line 16 through page 44, line 4; beginning on page 45, line 18 through page 46, line 4; beginning on page 52, lines 12 through 17; beginning on page 56, line 4 through page 62, line 17; beginning on page 74, lines 13 through 20; beginning on page 79, lines 10 through 15; beginning on page 80, lines 4 through 7; beginning on page 80, lines 19 through 23; and beginning on page 81, lines 6 through 16.

□ 1050

The SPEAKER pro tempore (Mr. VALENTINE). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. PASHAYAN] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 194 is a rule providing for the consideration of H.R. 2788, the bill making appropriations for the Department of the Interior and related agencies for fiscal year 1990.

Since general appropriations bills are privileged, the rule does not provide any special procedure for consid-

eration of the bill. The legislation will be considered under the normal legislative process for consideration of appropriations bills. The time devoted to general debate will be determined by a unanimous consent request.

Mr. Speaker, the bill will be open to amendment under the 5-minute rule, and any amendment which does not violate the rules of the House will be in order.

The rule waives clause 2 of rule 21, which prohibits unauthorized appropriations and legislation provisions in general appropriations bills, against specified provisions in the bill. The exact provisions of H.R. 2788 for which these waivers are provided are detailed in the rule by reference to page and line in the appropriations bill.

Mr. Speaker, H.R. 2788 appropriates \$11.1 billion in fiscal year 1990 for the Department of the Interior and for a number of related agencies, including the National Forest Service, Indian health and education programs, the National Foundation on the Arts and Humanities, the Smithsonian Institution, and the Department of Energy's conservation and fossil fuel research programs.

Mr. Speaker, although there are few provisions in this bill which some Members may not totally agree with, I would point out to my colleagues that this rule is a completely open rule, and that there are no restrictions on the offering of any germane amendment to the bill.

Mr. Speaker, I would also like to commend the chairman of the Appropriations Subcommittee, the gentleman from Illinois [Mr. YATES], and the ranking Republican member, the gentleman from Ohio [Mr. REGULA], for their leadership and the tremendous amount of good that their subcommittee does for the preservation of our national resources and our national heritage.

I urge my colleagues to adopt House Resolution 194 so that we can proceed with the consideration of this important bill.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 194 is a rule waiving points of order against specified provisions of a bill that appropriates \$11 billion in new budget authority in fiscal 1990 for management, preservation, and development of our Nation's natural resources.

This rule waives points of order against various provisions of the Interior and related agencies appropriations bill for fiscal 1990, H.R. 2788.

Mr. Speaker, H.R. 2788 appropriates \$11 billion for the Interior Department and related agencies for 1990. The bill is \$1.1 billion more than was

appropriated for these programs in fiscal 1988, and is \$2.4 billion higher than the budget request of the administration.

Mr. Speaker, the \$11 billion in new budget authority falls within the subcommittee in Interior appropriation's 302(b) allocation for discretionary budget authority and outlays and is in accordance with the congressional budget resolution.

The rule waives points of order that would otherwise lie against 26 specified provisions, for failure to comply with clause 2 of rule 21.

Clause 2 of rule 21 prohibits appropriations for expenditures not previously authorized by law and also prohibits legislation on an appropriations bill.

Mr. Speaker, the waivers recommended by the Committee on Rules are necessary because 20 of these provisions have not been authorized by law and six of them constitute legislation.

I shall not detail each provision for which we recommend a waiver of clause 2 of rule 21, but I will insert in the RECORD at the conclusion of my remarks a copy of a letter from the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], outlining the provisions and explaining the reason for the waivers.

Mr. Speaker, the administration is opposed to H.R. 2788 and has provided the Committee on Rules with a detailed list of objections raised by the Office of Management and Budget. I will insert in the RECORD at the conclusion of my remarks extraneous material, which is the statement we received from the administration.

Mr. Speaker, the chairman of the Interior Appropriations Subcommittee, the gentleman from Illinois [Mr. YATES], and the ranking Republican member, the gentleman from Ohio [Mr. REGULA], appeared before the Committee on Rules on Tuesday to request the waivers provided by the rule.

Mr. Speaker, the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] have once again brought forth a bill that balances the administration's budget request with the need to fund a committee's initiatives.

There are five controversial provisions in the bill that place or extend current moratoria for oil and gas leasing and preleasing activities on the Outer Continental Shelf.

The bill continues a ban on leasing activity on Georges Bank, MA; it institutes a moratoria on preleasing activity in southern and central California; it institutes moratoria on OCS tracts out to 50 miles from shore in the mid-Atlantic; and it establishes moratoria in drilling and exploration in Bristol Bay, AK.

Mr. Speaker, the President has established an interagency task force to address environmental concerns related to three OCS lease sales scheduled for fiscal 1990.

In addition, the President has postponed sales in two of the California areas pending receipt of the task force's report.

Mr. Speaker, the administration has a deep commitment to protect our environment. At the same time, the administration also believes it would be inappropriate to impose more moratoria on OCS or to prohibit funding of the very activities that will provide the precise kind of information we need in order to make environmentally sound drilling decisions.

The administration has pledged that it shall not conduct OCS leasing or exploration in the specified areas until after the task force shall have completed its work, but this bill says they shall not even issue calls for information or prepare environmental impact statements.

The rule does not preclude Members from offering amendments to reduce funds in specific accounts, or to strike provisions, or to add germane limitations.

For all practical purposes, this is an open rule, and Members who want to lower the dollar amounts in the bill should support the rule so that the House can proceed to consider the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 30, 1989.

HON. JOE MOAKLEY,
Chairman, Committee on Rules, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Appropriations on June 29 reported the Department of the Interior and Related Agencies Appropriations bill for the fiscal year ending September 30, 1990.

It has become necessary, in order to meet deadlines, that we include appropriations for a number of programs for which legislation has not yet been enacted and several legislative provisions for which a waiver of Clause 2, Rule XXI is requested. With respect to the lack of authorization for appropriations, representatives of the legislative committees of jurisdiction have been contacted and we know of no objections. We are also asking for a limited number of waivers for legislative provisions contained in the bill. At this time we know of no objections to them by the committees of jurisdiction. A list of specific requests for waivers is enclosed.

The Committee appreciates your continued cooperation.

Sincerely,

JAMIE WHITTEN,
Chairman.

REQUESTS FOR WAIVER OF CLAUSE 2, RULE
XXI

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS, FISCAL YEAR 1989

1. Bureau of Land Management, Management of lands and resources; BLM firefighting; construction and access; range improvements; service charges, deposits and forfeitures; and miscellaneous trust funds. The Committee recommends a total appropriation

of \$557,463,000 for these programs, which were authorized through fiscal year 1984. Legislation authorizing annual appropriations for these activities (HR 828) was reported by the Committee on Interior and Insular Affairs.

2. United States Fish and Wildlife Service, Construction and Anadromous Fish. The Committee has recommended an appropriation of \$30,457,000 for this account, including \$2,000,000 for anadromous fish grants. Authorizing legislation for anadromous fish grants (HR 1224) passed the House on April 25, 1989.

3. National Park Service, John F. Kennedy Center for the Performing Arts. The Committee has recommended an appropriation of \$15,193,000. Congress has periodically extended the authorization for the Center, but no authorization legislation currently is pending.

4. Department of Energy, Clean Coal Technology; Fossil energy research and development; Naval petroleum and oil shale reserves; energy conservation; economic regulation; emergency preparedness; Strategic Petroleum Reserve; and Energy Information Administration. The Committee recommends a total appropriation of \$1,630,730,000 for these programs. For clean coal technology, \$1,200,000,000 is recommended in FY 1991 and FY 1992. These amounts are for ongoing programs for the Department for which annual authorizing legislation has not been introduced in the House.

5. Smithsonian Institution, Construction. The Committee recommends an appropriation of \$12,900,000, of which \$2,900,000 for the Museum of the American Indian is unauthorized. Authorizing legislation (H.R. 2688) has been introduced in the House. A companion bill (S. 978) has been introduced in the Senate.

6. Advisory Council on Historic Preservation, Salaries and expenses. The Committee recommends an appropriation of \$1,945,000 for the Council. Legislation reauthorizing the Council (HR 999) passed the House on April 11, 1989 and passed the Senate on June 1, 1989.

7. Pennsylvania Avenue Development Corporation, Salaries and expenses. The Committee recommends \$2,375,000 for this ongoing program, which was authorized through fiscal year 1988. No authorizing legislation has been introduced in the House.

8. United States Holocaust Memorial Council. The Committee has recommended an appropriation of \$2,375,000 for the Council. No authorizing legislation has been introduced in the House.

For items 1 through 8 a waiver of Clause 2 of the Rule XXI is requested, because of lack of annual authorization.

In addition, a waiver of Clause 2 of Rule XXI is requested for the following legislative provisions:

9. Fish and Wildlife Service, Resource management. This account includes \$1,000,000 for the Youth Conservation Corps, legislation for which has expired.

10. National Park Service, Operation for the National Park System. This account includes \$1,000,000 for the Youth Conservation Corps, legislation for which has expired.

11. Forest Service, State and private forestry. This account includes a grant of \$3,600,000 for construction of the Spokane River Centennial Trail which is not authorized.

12. Forest Service, Administrative provisions. The provisions include allowance for

up to \$1,000,000 for the Youth Conservation Corps, legislation for which has expired.

13. Title III—General provisions, Section 302. This section prohibits the sale of unprocessed lumber from certain Federal lands for export or for substitution for private timber which is exported.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1990

(Sponsors: Whitten, Mississippi; Yates, Illinois)

The Administration opposes H.R. 2788 as reported by the House Appropriations Committee.

While under CBO scoring H.R. 2788 would fall within the 302(b) allocation, we do not believe that CBO scoring reflects accurately the domestic discretionary spending levels in the bill. If CBO changed its scoring in ways we believe are appropriate under the Bipartisan Budget Agreement, the bill would provide domestic discretionary budget authority of \$11,256 million, or \$356 million more than the Interior Subcommittee's 302(b) allocation. It would also provide outlays of \$10,547 million, or \$197 million more than the 302(b) allocation. By this scoring, H.R. 2788 would cause a violation of the limits established for domestic discretionary spending as set forth by the Bipartisan Budget Agreement, unless other subcommittees report bills that provide domestic discretionary appropriations below their House 302(b) allocation.

The Administration is opposed to the provisions extending moratoria on Outer Continental Shelf (OCS) pre-leasing, leasing and exploration. The President has established an inter-agency task force to address congressional and public environmental concerns regarding three controversial lease sales scheduled for FY 1990. It would be inappropriate at this time, for the Congress to impose more OCS moratoria, or to prohibit activities designed explicitly to provide the kind of information that is needed to make environmentally sound decisions on drilling.

The Administration also opposes a number of other provisions, as outlined in the attachment.

The Administration urges the House to pass a responsible bill that (1) continues to fund essential programs, and (2) addresses satisfactorily the provisions opposed by the Administration.

Attachment;

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

I. CONFORMANCE WITH BIPARTISAN BUDGET AGREEMENT AND 302(B) ALLOCATIONS

While under CBO scoring the Interior and Related Agencies Appropriations Bill would meet the requirements of the Bipartisan Budget Agreement as measured by compliance with the Interior Subcommittee's 302(b) allocation, the attached bridge table shows that the bill would actually provide a domestic discretionary total of \$11,256 million in BA, or \$356 million more than the 302(b) allocation. The BA level would result in outlays of \$10,547 million, or \$197 million more than the 302(b) allocation.

II. MAJOR PROVISIONS SUPPORTED BY THE ADMINISTRATION

Land Acquisition.—The bill recommends about \$200 million in appropriations from the Land and Water Conservation Fund to finance Federal land acquisition for recreation and conservation purposes. This is very

close to the President's request and demonstrates the general consensus that a reasonable, sustained program of Federal land acquisition is justified. Although the Committee substituted a number of its own projects for some of the specific acquisitions proposed by the President, the overall funding allowance would make it possible to protect many nationally-significant natural and cultural resources.

Indian Land and Water Rights Claims.—The bill recommends additional funding of \$163 million so the Federal Government can meet its obligations in settling various recently authorized Indian land and water rights claims. Included in the \$163 million is the full \$77 million for the Puyallup (WA) land settlement enacted on June 21st, \$60 million for three recent Indian water rights settlements (Salt River, AZ; Colorado Ute, CO/NM; and San Luis Rey, CA), \$10 million for the Hoopa-Yurok (CA) reservation settlement, and \$15 million for WW II restitution payments authorized in 1988 to the Aleut people of Alaska.

III. MAJOR PROVISIONS OPPOSED BY THE ADMINISTRATION

A. Funding Levels

Department of the Interior

The Committee inappropriately addresses the deficit impact of forest fire fighting appropriations by placing nearly all Interior and Agriculture Department fire fighting funds (\$740 million out of \$761 million provided) in a new account as mandatory. However, approximately \$200 million of the amount appropriated to the new account would finance purely discretionary, planned activities. Although certain fire related costs are unpredictable and unavoidable (emergency suppression and rehabilitation), many fire related costs are planned and programmed in advance (fire management and suppression). Planned fire fighting costs are discretionary.

Of the total \$761 million provided, the Committee proposes \$200 million for Interior Department forest fire fighting. This should be sufficient to ensure that Interior non-fire programs are reimbursed for transfers during FY 1989 to pay emergency fire fighting costs. However, it is far short of what would be necessary to pay projected FY 1990 Interior Department fire costs, thereby perpetuating the current cumbersome and misleading system of financing fire fighting after-the-fact.

The Committee unfortunately ignored the Administration's proposal to fund both FY 1989 and FY 1990 fire costs fully, partially offsetting the increased funding by reducing certain payments to States from Federal mineral and timber receipts. If the Administration's proposal is unacceptable, the Committee should propose a different means of financing fire costs that, like the Administration's plan, does not rely on inappropriate scorekeeping and does not increase the Federal budget deficit. We intend to continue working with Congress to resolve this matter equitably.

The Administration objects to Interior Department construction funding that is \$183 million (116 percent) above the President's request and \$65 million over FY 1989. Much of the additional funding is unnecessary and directed at low priority projects, not at the Department's backlog of needed health and safety projects. The additional construction projects are generally discretionary or non-critical, and can be foregone or postponed. New construction is a lower priority than providing equality operations,

maintenance, and rehabilitation at existing facilities.

The Administration opposes over \$90 million in increases above the request for various low-priority grants to States and non-Federal research institutes. This includes Historic Preservation Fund grants (\$31 million), Abandoned Mine Land Reclamation grants (\$30 million), Land and Water Conservation Fund grants (\$17 million), grants to water resource and mineral institutes (\$8 million), and Endangered Species Act grants (\$5 million). Although many of the purposes to which these grants are directed are not objectionable, the need for fiscal restraint in Federal spending dictates that such grants be limited to the minimum necessary to address pressing, high-priority Federal responsibilities.

The Administration objects to proposed increases over the request to fund lower priority or special interest projects in various Interior bureau operating and research accounts. In total, these accounts would increase \$344 million (10 percent) over the Administration's request and \$287 million (8 percent) over FY 1989. Of this, \$189 million funds a 20 percent increase for numerous Indian programs for education, social services, natural resource development, and trust responsibilities.

These increases are not necessary. However, included in the \$189 million for Indian programs is a \$77 million BA adjustment (with no outlay impact) for conversion of certain Interior contracts with Indian tribes from a fiscal to a calendar year basis as required by law. There is no objection to the BA for the one time conversion.

The Administration objects to \$8.3 million to fund certain recently identified capital improvement program (CIP) deficiencies in Micronesia. The funds benefit an airport runway in the Federated States of Micronesia and roads in Palau.

The Federal Government is not responsible for projects that are not within the scope of the previously funded Micronesian CIP program, nor for deficiencies caused by a lack of proper operations and maintenance by the local governments. In addition, the Federal Government should not provide funds above the previously approved Compact of Free Association amounts provided to the Micronesian governments (an average of \$30 million annually to Palau, and \$90 million to the Federated States of Micronesia), or the \$9.3 million in additional, pre-Compact funding for Palau.

Department of Agriculture

The Administration objects to the Committee's inclusion of \$258 million in its new fire fighting account to pay back FY 1988 Forest Service fire fighting funds transferred from the Knutson-Vandenberg Cooperative Work Trust Fund. Considering the \$250 million requested by the Administration and provided as part of the FY 1989 Supplemental Appropriation, the increase is not necessary to meet programmatic needs and would unnecessarily increase unobligated balances.

Department of Energy

The Administration would prefer that the Committee provide the full \$710 million included in the President's Budget for the Clean Coal Technology program, instead of the \$635 million included in the bill.

The Administration opposes the significant increases for fossil energy research and development (\$43 million or 11 percent over FY 1989 and \$261 million or 159 percent over the request), and for energy conserva-

tion research and development (\$33 million or 21 percent over FY 1989 and \$107 million or 122 percent over the request). Many of the increases are for low priority and special interest projects which are not likely to advance technology in these areas.

The Administration objects to an increase of \$209 million over the request for energy conservation grants. This additional amount is unnecessary because states have been supporting conservation grant activities with over \$3.1 billion they have received from petroleum overcharge violation cases.

Department of Health and Human Services

The Administration objects to the \$181 million increase over the request for the Indian Health Service. The Committee mark represents a 17 percent increase over the FY 1989 appropriation, a rate of growth 11 percent more than the estimated medical cost inflation of 6 percent. Of the \$184 million increases over FY 1989, a full \$38 million, or 21 percent, is composed of 21 earmarked, low priority, special interest projects.

The President's FY 1990 Budget seeks to promote self-determination contracting by requesting separate appropriations for tribally administered health services and those administered by Federal staff. Separate appropriations would make information clearly available to tribes to the steady or increasing level of funds for self-determination contracts, and would complement changes in tribal contracting envisioned in the Self-Determination Act Amendments of 1988. By rejecting the separate tribal and Federal health administration accounts, the Committee is inhibiting achievement of the goals of the Self-Determination Act.

National Foundation on the Arts and Humanities

The Administration objects to the Committee adding \$8 million for the National Endowment for the Humanities, \$1.3 million for the National Endowment for the Arts, and \$650 thousand for the Institute of Museum Services to the President's request. The levels requested in the President's Budget are sufficient to meet known needs. There is no programmatic justification for these increases.

Commission of Fine Arts

The Administration objects to \$5 million for National Capital Arts and Cultural Affairs. This would be used for general operating support on a non-competitive grant basis to Washington, D.C. arts and cultural organizations. This is unnecessary as it is a duplication of existing Federal nationwide competitive grants.

B. Language Provisions

Outer Continental Shelf (OCS) Oil and Gas Leasing and Exploration Moratoria.—The Administration objects to provisions that continue a "one year" leasing moratori-

um in the FY 1989 Interior Appropriations Bill involving Georges Bank (MA), and institute moratoria on pre-leasing activity in southern and central California; institute moratoria on OCS tracts out to 50 miles from shore in the mid-Atlantic; and establish moratoria on drilling and exploration in Bristol Bay (AK). In addition, the Department is directed to explore options for buying out existing Bristol Bay leases.

The President established an inter-agency task force to address congressional and public environmental concerns related to three scheduled FY 1990 OCS lease sales. It would be inappropriate to impose more OCS moratoria or to prohibit activities which are designed to provide specifically the kind of information that can lead to environmentally sound drilling decisions. The Administration has pledged not to conduct OCS leasing or exploration in the moratoria areas until after the task force has completed its work and the Administration has announced its decisions on the three FY 1990 sales under review.

Buy America.—The Administration opposes bill language that would require structures on the Outer Continental Shelf (OCS) to contain at least 50 percent U.S. labor and materials. This would seriously delay and increase the cost of oil production from the OCS; it conflicts with the Administration objective of encouraging reliance on indigenous energy sources; it is contrary to U.S. obligations under the General Agreement on Tariffs and Trade—inviting retaliation from countries such as the United Kingdom, Norway, the Netherlands, and Denmark; and it would create a new trade barrier at a time when there is widespread concern about creeping protectionism.

Forest Service (FS) and Bureau of Land Management (BLM) Excess Timber Receipts.—The Administration objects to language making available to the FS and BLM, Federal timber receipts collected in FY 1989 in excess of the FY 1989 amount estimated in the President's FY 1990 budget, with the excess amount available to the FS capped at \$35 million. Federal timber receipt estimates for FY 1989 have increased substantially over the February budget as a result of escalating sale prices and an increasing rate of harvest. This is due in part to an expected shortage of supply because of the northern spotted owl litigation and proposed Federal listing of the owl as a threatened species. The effect of the Committee's action, which represents an additional, unnecessary earmarking of receipts that otherwise would be turned over to the General Fund of the Treasury, would be to increase outlays by about \$30 million in FY 1990.

Tribal Contractors' Liability Insurance.—The Administration opposes the rejection of language included in the FY 1990 Budget to postpone until at least FY 1991 the requirement from a 1988 law that Interior and

HHS purchase liability insurance for tribal contractors. Despite this rejection, the Subcommittee did not provide funding in the bill to cover the cost of purchasing liability insurance, which primarily affects Interior's Bureau of Indian Affairs and HHS' Indian Health Service. Preliminary estimates are \$15 to \$50 million annually in additional Federal costs to cover such insurance. Even with additional funding, it is unlikely that Interior and HHS, with assistance from the Department of Justice, can administratively implement the liability insurance provision in a fair and cost-effective manner by FY 1990.

Helium Facility Sales.—The Administration objects to bill language that prohibits the sale of Federal helium facilities. Current Federal helium-processing activities are indistinguishable from commercial operations, and transfer to the private market would ensure that future Federal helium needs are efficiently met. The Helium Advisory Board, a group of major American helium producers, supports the privatization of the Federal facilities and has indicated the private sector's ability to meet future private and Federal helium needs. Interior's Bureau of Mines would retain sufficient crude helium inventory to ensure future supplies for Federal agency use in an emergency. An Administration bill to accomplish this restructuring of the Federal helium program (including sale of processing facilities in Amarillo, TX) has been introduced in the House, and is pending before the Mining and Natural Resources Subcommittee.

Naval Petroleum Reserves (NPR) Excess Receipts.—The Administration objects to language that would make receipts from the sale of oil and gas from the Naval Petroleum Reserves that exceed \$510 million (the Administration's February 1989 estimate) available to buy Strategic Petroleum Reserve oil in FY 1990. NPR receipts are now estimated to be \$630 million. The provision would increase discretionary spending by \$120 million.

Committee Approval Provisions.—The Administration objects to bill language that purports to restrict the use of funds or to limit agency actions unless approval is granted by Congressional committees. Such provisions are unconstitutional (see *INS v. Chadha*, 462 U.S. 919 (1983)). In any event, the executive branch will continue to provide the Committee notification and consultation that interbranch comity requires in matters in which Congress has indicated such a special interest.

Employment Ceilings.—The Administration opposes bill language to exempt programs funded by the bill from employment ceilings. The provision is objectionable because it prevents effective and efficient management of agency programs and promotes wasteful spending.

BRIDGE TABLE: HOUSE SUBCOMMITTEE ESTIMATES TO OMB ESTIMATES INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

(In millions of dollars)

	1989 enacted		1990 President's request		House committee action	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
CBO ESTIMATE						
Domestic discretionary spending ¹	9,312	9,941	8,990	9,376	10,898	10,349

Plus scorekeeping adjustments:

National forest system

Oregon and California grant lands

26 21
12 9

The Subcommittee directs that "excess" timber receipts in the Forest Service and Bureau of Land Management be made available for the bureau's use. This earmarking of receipts that would otherwise be turned over to the General Fund of the Treasury will increase the deficit by \$30 million.

BRIDGE TABLE: HOUSE SUBCOMMITTEE ESTIMATES TO OMB ESTIMATES INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990—Continued

[In millions of dollars]

	1989 enacted		1990 President's request		House committee action	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
SPR petroleum					120	120
Bill language directs that receipts from the sale of oil and gas from the Naval Petroleum Reserves in excess of the budget estimate be available to buy SPR oil in FY 1990. This will increase domestic discretionary spending by \$120 million.						
Energy conservation PODRA receipts			43	43		
The President's budget assumed that receipts would not be realized in FY 1990. CBO includes an offset for receipts in its scoring of the request.						
Fire fighting			250	175	198	139
The subcommittee scores nearly all fire fighting appropriations as mandatory. OMB scores only reimbursements of prior year transfers and unplanned emergency fire fighting and rehabilitation as mandatory.						
Land and Water Conservation Fund Rescission			-30			
OMB scores the legislative proposal to rescind unused contract authority to the Subcommittee. The subcommittee rescinds the contract authority in proposed language.						
OCS moratoria					8	8
The subcommittee proposes 1-year moratoria on pre-leasing and lease sales in several areas, as well as bans on exploration for existing leases in two areas. CBO estimates that this would increase the deficit by \$2 million in FY 1990. OMB estimates that it would increase the deficit by \$10 million in FY 1990. Increases would be substantially greater in future years.						
U.S. Fish and Wildlife Service—Sport fish restoration and miscellaneous appropriations			91	36		
Congress does not recognize budget amendments not yet transmitted. Amendments were transmitted July 6, after CBO prepared its data. Amounts reflect CBO estimates for these accounts.						
Compact of Free Association	-3	-3	-6	-6	-6	-6
The subcommittee scores as discretionary funding for Palau for which authorizing legislation is required. These funds should be excluded from the discretionary total since they cannot be made available in the absence of legislation implementing the Compact.						
Franklin Delano Roosevelt Memorial Commission			19	1		
OMB scores the legislative proposal to begin construction on the memorial to the Appropriations Committee. The subcommittee recommends funding the memorial under the National Park Service.						
Outlay spendout rate differences		-251		-87		-93
Other scorekeeping differences	263	185	3	2	(0)	(0)
Total scorekeeping adjustment	260	-70	370	165	358	198
OMB ESTIMATE						
Domestic discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547
302(b) allocation					10,900	10,350
Difference between OMB estimate and 302(b) allocation					356	197

* FY 1990 data based on CBO computer report dated 6/30/89. House committee totals are referenced in House Report 101-120.

Note: Detail may not add to totals due to rounding.

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Enacted		Request	
							Budget authority	Outlays	Budget authority	Outlays
DISCRETIONARY SPENDING										
Department of the Interior:										
Bureau of Land Management:										
Management of lands and resources	426	445	432	427	446	427	20	-18	15	(*)
Fire fighting account ¹	(*)	(*)	250	175	198	139	198	139	-52	-37
Minerals Management Service: Payments to States for receipts under Mineral Leasing Act			1	1	-55	-55	-55	-55	-56	-56
Office of Surface Mining: Abandonment mine reclamation fund	193	218	150	189	193	200	(*)	-17	42	12
Geological Survey: Surveys, investigations and research	452	459	452	453	487	485	35	27	34	33
Bureau of Mines: Mines and Minerals	159	161	141	147	162	160	3	-1	21	13
Fish and Wildlife Service:										
Resource management	356	348	340	344	375	371	19	23	36	27
Construction	48	30	10	34	30	38	-17	8	20	4
National Park Service:										
Construction	198	82	44	103	174	123	-23	41	130	20
Historic preservation fund	31	29		14	31	30		1	31	16
Bureau of Indian Affairs:										
Operation of Indian Programs	968	968	917	925	1,066	986	98	18	148	61
Construction	95	105	101	102	134	109	40	4	33	8
Miscellaneous payments to Indians	14	14	29	28	192	174	178	160	163	146
Office of Territorial Affairs:										
Trust territories of the Pacific Islands	28	28	3	5	34	32	6	4	31	27
Related Agencies:										
Agriculture—Forest Service:										
National forest system	1,047	1,025	1,016	984	1,158	1,086	111	61	142	102
State and private forestry	87	91	49	54	90	70	3	-21	41	16
Energy:										
Clean coal technology	190	92	710	120	635	119	445	28	-75	-1
Strategic petroleum reserve/SPR petroleum	415	646	322	342	726	730	311	84	404	388
Fossil energy research and development	381	354	164	288	423	392	42	38	259	104
Energy conservation	315	313	96	316	368	336	53	23	273	20
HHS—Indian Health	1,082	1,045	1,083	1,194	1,265	1,244	183	199	181	49
All other	3,088	3,419	3,049	3,296	3,123	3,350	35	-69	74	54
Total, discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547	1,685	676	1,895	1,007
MANDATORY SPENDING										
Fire fighting account ¹			174	129	542	381	542	381	369	252
Fiscal year 1989 fire fighting appropriations (various accounts)	309	309					-309	-309		
Administration of territories	42	42	35	35	35	35	-6	-6		
Compact of free association	23	23	19	19	19	19	-4	-4		
All other mandatory	9	9	9	9	9	9	(*)	(*)		
Total, mandatory spending	382	382	236	192	605	443	223	61	369	252

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990—Continued

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
							Enacted		Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Total, Interior.....	9,954	10,254	9,596	9,732	11,861	10,991	1,907	737	2,264	1,259

¹ Includes both Interior and Forest Service fire fighting. President's request includes proposed Federal wildland fire fighting accounts and proposed offsets.

² Fire fighting amounts in fiscal year 1989 and reflected in their regular accounts.

³ Less than \$500,000.

Note: Detail may not add to totals due to rounding.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, with regard to the budget issues involved with this appropriation bill, we have provided a "Dear Colleague" to all members. There are no Budget Act waivers required under this rule, and the principal reason for that is the bill is within the discretionary targets established under the 302 subdivision assigned to this Subcommittee of the Committee on Appropriations.

In total, this bill provides \$11,717 million in budget authority and \$10,851 million in outlays. As compared with the discretionary 302(b) subdivision for this subcommittee, the bill is under by \$2 million in budget authority and equal to the subdivision for estimated discretionary outlays.

While the bill is over the 302(b) subdivision for mandatory programs by \$493 million in budget authority and \$175 million in outlays, this overage results from purely technical reasons involving firefighting costs. First, \$200 million in the bill is reclassified from discretionary to mandatory, which is consistent with the classification agreed to in the bipartisan budget agreement. Second, there is a substantial difference between the current estimate of firefighting costs and the budget resolution, estimate which was based on the Gramm-Rudman-Hollings baseline's mechanical projection of 1989 presupplemental costs.

The bill, therefore, conforms to the budget resolution and the bipartisan budget agreement worked out with the White House. For those reasons, there are no budget problems with H.R. 2788.

This subcommittee, the second subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the targets established under the budget resolution. We congratulate them and we are pleased to bring this information to the attention of the Members.

COMMITTEE ON THE BUDGET, Washington, DC, July 12, 1989.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2788, Department of the Interior and Related Agencies Appropriation bill for Fiscal Year 1990. The bill is scheduled for floor consideration on Wednesday, July 12, subject to a rule being adopted.

This is the second appropriation bill for fiscal year 1990.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

PROGRAM HIGHLIGHTS

The following are the major program highlights for the Interior and Related Agencies Appropriations Bill for FY 1990, as reported:

[In millions of dollars]

	Budget authority	New outlays
Department of the Interior:		
Bureau of Land Management ¹	1,387	929
U.S. Fish and Wildlife Service.....	479	340
National Park Service.....	1,091	663
Geological Survey.....	487	463
Office of Surface Mining Reclamation	296	112
Minerals Management Service.....	175	114
Bureau of Mines.....	162	110
Bureau of Indian Affairs.....	1,200	848
(Operations).....	(1,066)	(817)
(Construction).....	(134)	(31)
Territorial and International Affairs	136	94
Related agencies:		
Forest Service.....	1,423	1,142
Strategic Petroleum Reserve.....	514	370
Energy Conservation.....	368	60
Fossil Energy R&D.....	423	169
Naval Petroleum and Oil Shale Reserves	192	115
Indian Health Service.....	1,265	890
Indian Education.....	74	11
Smithsonian Institution.....	326	262
National Foundation on the Arts and the Humanities.....	333	130

¹ Includes \$740,000,000 in budget authority and \$380,000,000 in outlays for firefighting costs.

[Fact Sheet]

H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1990 (H. REPT. 101-120)

The House Appropriations Committee reported the Interior and Related Agencies Appropriations bill for fiscal year 1990 on Thursday, June 29, 1989. This bill is scheduled for floor action on Wednesday, July 12, subject to a rule being adopted.

COMPARISON TO THE 302 (B) SUBDIVISION

The bill provides \$10,898 million of discretionary budget authority, \$2 million less than the appropriations subdivision for this subcommittee. The Budget Act provides a point of order if the target for discretionary budget authority is breached. Since it is not, there is no such point of order against this bill. The bill is equal to the subdivision for estimated discretionary outlays. A detailed

comparison of the bill to the spending and credit subdivisions follows:

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Interior and related agencies appropriations bill		Appropriations committee 302(b) subdivision		Bill over (+) / under (-) committee 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary.....	10,898	10,350	10,900	10,350	-2	
Mandatory.....	819	501	326	326	+493	+175
Total.....	11,717	10,851	11,226	10,676	+491	+175

Note.—BA—New budget authority; O—Estimated outlays.

The \$493 million overage in mandatory budget authority is a result of a \$200 million reclassification from discretionary to mandatory pursuant to the Bipartisan Agreement list and, for the remainder, a difference between the current estimate of mandatory firefighting costs and the estimate used in the Budget Resolution, which was based on the GRH baseline's mechanical projection of 1989 (pre-supplemental) costs using the GNP deflator.

The direct and guaranteed loan levels in the bill equal the discretionary subdivision for this subcommittee. A detailed comparison follows:

COMPARISON TO CREDIT ALLOCATION

	Interior and related agencies appropriations bill		Appropriations Committee 302 (b) subdivision		Bill over (+) / under (-) committee 302 (b) subdivision	
	DL	LG	DL	LG	DL	LG
Discretionary.....	13	41	13	41		
Mandatory.....						
Total.....	13	41	13	41		

Note.—DL—New direct loan obligations; LG—New loan guarantee commitments.

Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L. 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1990 (shown in H. Rept. 101-50). The Appropriations Committee reported its 302(b) subdivisions on June 21, 1989 (H. Rept. 101-97). These subdivisions are the official scorekeeping targets for appropriations subcommittees.

□ 1100

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time.

Mr. PASHAYAN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2788, which we are about to consider, and that I may be permitted to include charts, tables, and other materials.

The SPEAKER pro tempore (Mr. VALENTINE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio [Mr. REGULA] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2788, with Mr. BOUCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am pleased to bring the Interior and related agencies appropriations bill for fiscal year 1990 to the Committee. The total recommended for the bill is \$11,063,932,000. Compared to fiscal year 1989, the bill represents an increase of \$835,181,000. The bill is within the domestic discretionary 302(b) allocation for both budget authority and outlays. Accordingly, it conforms to the congressional budget resolution and the summit agreement.

Some of you may wonder why the 1990 bill is \$835,000,000 above fiscal year 1989. In large part, the increase represents the cost of carrying out the same program in fiscal year 1990 as is being carried out in fiscal year 1989. The larger amount also reflects the increase in responsibilities for the agencies in this bill.

The National Park Service has 14 newly authorized areas. The U.S. Fish and Wildlife Service has 15 new refuges to operate and maintain, bringing the total to 452 refuges. Each year there are approximately 50 to 60 new endangered species listed. Management responsibilities for all the land management agencies grow as the endangered species list expands.

The agencies in this bill, more and more, are being called on to provide cultural and recreational opportunities for our citizens.

In the National Park Service, visitation is expected to jump from 374.6 million in 1988 to 398.5 million in 1990. The Fish and Wildlife Service is anticipating 36 million visitors this year to its refuges. The Forest Service provides more outdoor recreation than any other Federal agency. In 1988, there were 242 million recreation-visitor days, an increase of 3 million over 1987. Activities range from camping to remote backpacking, horseback riding, and skiing. Trail use has more than doubled since 1970. The number of wild and scenic rivers managed by the Bureau of Land Management doubled in 1988 by the addition of 17 new rivers. BLM special-use permits and camping and day-use permits all increased by 16 percent over 1987. The BLM-managed public lands accommodated more than 59 million recreation visits in 1988, an increase of 10 percent over 1985.

Beyond these tangible measures of increasing responsibilities, there are specific needs which result in a larger fiscal year 1990 appropriation. These include:

First, \$178,000,000 for settlement of various claims or disputes by Indian tribes or Native Alaskans. If these claims are not paid, the settlements are voided and more costly litigation results.

Second, \$100,000,000 to convert Indian contracts from a fiscal year

basis to an annual basis. This is a one-time cost which will result in more efficient administration of Indian contracts.

Third, \$99,000,000 to continue to fill the strategic petroleum reserve at the 1989 rate and to develop and enhance distribution capability for the oil in storage.

Fourth, \$160,000,000 to provide a reasonable level of health care through the Indian Health Service.

Fifth, \$80,000,000 to enhance our research and development capability in energy conservation and in the use of fossil fuels.

The balance of the increase is distributed among the many activities funded in this bill and allows them on average to cover increases in operating costs.

The bill includes \$5,678,276,000 for programs of the Department of the Interior; \$1,662,822,000 for the U.S. Forest Service; \$1,630,730,000 for the programs of the Department of Energy; and \$2,092,104,000 for Indian health, Indian education, the Smithsonian Institution, the National Endowment for the Arts and the Humanities, and the other related agencies in the bill, all of which are described in detail in the report accompanying the bill.

The programs within the jurisdiction of this committee in many ways represent an investment in America itself, and those investments provide significant returns. For example, it is estimated that programs funded in this bill will generate revenues of approximately \$7.7 billion.

The Interior bill is popular with Members. More than 340 Members requested 2,200 items to be included in this bill. Because of the spending constraints, we simply were not able to meet all the demands.

For example, we had requests for more than \$320,000,000 of construction items in the National Park Service. These requests included road reconstruction, rehabilitation of electrical systems, water lines, rest rooms, and visitor centers. We were able to provide only about half of these needs.

Similarly, the land and water conservation fund remains popular. Requests for Federal acquisition and for State grants totaled approximately \$1 billion and we have provided \$222,000,000. Of this amount, \$20,000,000 is for State grants. The balance is to fill out authorized parks such as Cuyahoga Valley NRA and Santa Monica Mountains NRA, to provide habitat for endangered species and protect wetlands, to provide recreation access to rivers and to protect areas from development.

Almost 60 Members requested increases in operating appropriations for their specific parks. Rather than providing each individual request, we have provided enough money so that

each park will receive at least a 5-percent increase over the 1989 level. Those parks where fee collection is significant will receive up to a 10-percent increase. We also had to make the difficult decision not to provide funds to study new park areas for which over 20 Members had made requests.

Energy and the environment receive major attention in this bill. As a result of actions in this bill, \$500,000,000 will be available in fiscal year 1990 for the third procurement related to the Clean Coal Program. In addition, advance appropriations of \$600,000,000 each for 1991 and 1992 are provided.

Questions of global warming or the "greenhouse effect" have been raised in the past 2 years which, along with uncertain and not easily measurable effects, also involve complex relationships between this Nation and the rest of the world. Energy use is central to this question, and even if the ultimate effect of global warming is unknown, there are steps that can be taken to increase energy efficiency which make sense regardless of the global warming. This bill includes several such steps.

First, the bill includes \$411,367,000 for energy conservation research and State grants. This amount is more than four times above the amount of \$95,528,000 requested by the administration. Included is research to develop substitutes for the CFC's which endanger the ozone protection in the upper atmosphere, while at the same time not decreasing energy efficiency. This effort continues committee initiatives in conservation taken over the last several years.

Second, increased funding has been proposed for research on processes in fossil energy which not only burn coal more cleanly, but also more efficiently. This work attacks both clean air and "greenhouse" problems. Those areas are recommended at \$176,667,000 compared to the meager \$54,527,000 in the budget request.

Finally, various smaller increases are included in the Geological Survey for measurement of CO₂ buildup and collection of historical data, and in the Forest Service for research on global change. All of these efforts are an attempt to alleviate possible greenhouse effects as well as to understand them.

We continue to fill the strategic petroleum reserve at a rate of 71,000 barrels per day. At this fill rate, the reserve will contain about 608 million barrels of oil at the end of fiscal year 1990.

OCS MORATORIA

The committee once again has included several moratoria on activities in Outer Continental Shelf areas. Environmental studies are underway and various task forces are investigating and weighing impacts and alternatives in these areas. Partly as an aftermath of the oil spill in Prince William Sound in Alaska, and partly in response to environmental concerns about other impacts of oil exploration and production, several provisions are included which allow a pause in some leasing-related activities. Specifically, the committee recommends continuing these moratoria:

First, Georges Bank (sale 96);
Second, Florida (sales 79, 94, and 116);

Third, California (sale 91 in northern California).

In addition, the committee recommends moratoria for a portion of sale 121 in the Mid-Atlantic and sale 92 in Bristol Bay in Alaska. For California, the moratoria have been expanded to include sale 95 (southern California) which is being studied by the President's OCS task force, and sale 119 (central California).

There has been some misunderstanding with respect to the committee's intent in restricting preleasing activities in some areas. In those areas where the committee has recommended restrictions on preleasing activities, those restrictions apply only to the formal steps identified by the Department of the Interior as part of the actual lease sale process. These formal steps include such activities as the publication of sale-specific environmental impact statements, the conduct of public hearings directly associated with the EIS process, issuance of notices of sale and receipt of bids. Restrictions on preleasing activities do not preclude environmental, geologic, geophysical, economic, engineering, or other scientific analyses, studies, and evaluations. Such studies form the basis for environmental impact statements but are not considered a part of the EIS or the formal sale process. Also, restrictions on preleasing activities do not preclude the conduct of public meetings and negotiations, participation in task forces or other cooperative efforts attempting to resolve issues associated with offshore leasing, exploration, and development.

INDIAN PROGRAMS

The committee has recommended \$2,776,951,000 for Indian programs, including construction of hospitals, clinics and schools, irrigation and sanitation

facilities, and protection and development of natural resources on reservation lands, in keeping with our trust responsibilities to the Indian people. Included within this amount is \$191,864,000 for Indian settlements which the Government is required to pay even though such spending is not considered mandatory. Included among these settlements are water rights cases in California and Arizona.

The National Endowment for the Humanities appropriation for grants and administration is \$8,080,000 above the administration's request. The bulk of this increase, \$6,400,000, is for the Office of Preservation to establish a program of matching support for museums, universities, and other institutions to assist them in stabilizing collections of material culture and for support of professional training to address the needs of these collections. The majority of material culture collections are housed in cramped conditions, which not only makes them inaccessible but also threatens their existence. Associated with this increase is \$200,000 for administering this new program.

Other increases for the National Endowment for the Humanities include \$1,000,000 for the State programs and funds sufficient to restore each of the programs to the 1989 level. In addition, there is a \$100,000 increase in the administrative area to handle any additional workload associated with new subgranting procedures.

A few areas of the report need correction. On page 50, the amount for State reclamation program grants is \$146,520,000 instead of \$146,520. On page 21, Fish and Wildlife Service, resource management, \$200,000 for the Lake Erie Shoreline protection study was inadvertently omitted. On page 23, Fish and Wildlife Service land acquisition, there should have been a reference to Bond Swamp NWR, GA as the type of area suitable for acquisition under the \$10,000,000 provided for high-priority wetlands. On page 127, in relation to the National Endowment for the Arts, the amount for challenge grants should be \$15,150,000 with \$12,000,000 for Treasury funds.

I want to commend all the subcommittee members for their unselfish efforts and contributions in rising to this difficult fiscal challenge. In particular, I want to note the contributions of our ranking minority member, RALPH REGULA.

I encourage you to give your support to this bill which I believe has done a good job of balancing all the competing needs.

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources.....	435,586,000	431,632,000	446,296,000	+ 10,710,000	+ 14,664,000
Firefighting	739,664,000	363,142,000	740,393,000	+ 729,000	+ 377,251,000
Construction and access	5,431,000	2,300,000	2,400,000	-3,031,000	+ 100,000
Payments in lieu of taxes.....	105,000,000	105,000,000	105,000,000		
Land acquisition.....	12,290,000	20,885,000	13,490,000	+ 1,200,000	-7,395,000
Oregon and California grant lands.....	57,707,000	62,702,000	64,787,000	+ 7,080,000	+ 2,085,000
Range improvements (indefinite).....	8,506,000	8,406,000	8,406,000	-100,000	
Service charges, deposits, & forfeitures (indefinite).....	6,000,000	6,000,000	6,000,000		
Miscellaneous trust funds (indefinite).....	100,000	100,000	100,000		
Total, Bureau of Land Management.....	1,370,284,000	1,000,167,000	1,386,872,000	+ 16,588,000	+ 386,705,000
United States Fish and Wildlife Service					
Resource management	357,888,000	339,754,000	375,370,000	+ 17,482,000	+ 35,616,000
Construction and anadromous fish	31,834,000	10,105,000	30,457,000	-1,377,000	+ 20,352,000
Land acquisition	57,529,000	51,415,000	65,790,000	+ 8,261,000	+ 14,375,000
National Wildlife Refuge Fund.....	6,645,000	6,645,000	7,645,000	+ 1,000,000	+ 1,000,000
Total, United States Fish and Wildlife Service	453,896,000	407,919,000	479,262,000	+ 25,366,000	+ 71,343,000
National Park Service					
Operation of the national park system.....	733,516,000	754,614,000	774,179,000	+ 40,663,000	+ 19,565,000
National recreation and preservation	14,608,000	10,204,000	16,029,000	+ 1,421,000	+ 5,825,000
Historic preservation fund.....	30,500,000		30,500,000		+ 30,500,000
Construction	159,108,000	44,112,000	174,210,000	+ 15,102,000	+ 130,098,000
(Liquidation of contract authority)	(47,000,000)		(12,000,000)	(-35,000,000)	(+ 12,000,000)
Land and water conservation fund (rescission of contract authority)	-30,000,000		-30,000,000		-30,000,000
Land acquisition and state assistance	72,609,000	69,459,000	81,016,000	+ 8,407,000	+ 11,557,000
John F. Kennedy Center for the Performing Arts.....	5,181,000	15,193,000	15,193,000	+ 10,012,000	
Illinois and Michigan Canal National Heritage Corridor Commission	250,000		250,000		+ 250,000
American Revolution Bicentennial Administration.....	4,765,000			-4,765,000	
National Film Preservation Board.....	(250,000)			(-250,000)	
Total, National Park Service.....	990,537,000	893,582,000	1,061,377,000	+ 70,840,000	+ 167,795,000
Geological Survey					
Surveys, investigations, and research.....	451,506,000	452,465,000	486,931,000	+ 35,425,000	+ 34,466,000
Minerals Management Service					
Leasing and royalty management.....	170,744,000	180,461,000	175,066,000	+ 4,322,000	-5,395,000

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Payments to States from receipts under Mineral Leasing		655,000			-655,000
Total, Minerals Management Service	170,744,000	181,116,000	175,066,000	+ 4,322,000	-6,050,000
Bureau of Mines					
Mines and minerals	159,292,000	141,197,000	161,876,000	+ 2,584,000	+ 20,679,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	101,095,000	103,738,000	102,728,000	+ 1,633,000	-1,010,000
Abandoned mine reclamation fund (definite, trust fund)	193,160,000	150,387,000	192,772,000	-388,000	+ 42,385,000
Total, Office of Surface Mining Reclamation and Enforcement	294,255,000	254,125,000	295,500,000	+ 1,245,000	+ 41,375,000
Bureau of Indian Affairs					
Operation of Indian Programs	967,767,000	917,491,000	1,065,574,000	+ 97,807,000	+ 148,083,000
Construction	79,283,000	100,975,000	134,379,000	+ 55,096,000	+ 33,404,000
Miscellaneous payments to Indians	13,952,000	29,255,000	191,864,000	+ 177,912,000	+ 162,609,000
Revolving fund for loans (limitation on direct loans)		(13,000,000)			(-13,000,000)
Indian loan guaranty and insurance fund	3,370,000	3,265,000	4,767,000	+ 1,397,000	+ 1,502,000
Indian loan guaranty and insurance fund (limitation on guaranteed loans)		(45,000,000)			(-45,000,000)
Total, Bureau of Indian Affairs	1,064,372,000	1,050,986,000	1,396,584,000	+ 332,212,000	+ 345,598,000
Territorial and International Affairs					
Administration of territories	51,112,000	35,396,000	41,481,000	-9,631,000	+ 6,085,000
Interest rate differential	41,655,000	35,308,000	35,308,000	-6,347,000	
Subtotal	92,767,000	70,704,000	76,789,000	-15,978,000	+ 6,085,000
Trust Territory of the Pacific Islands	28,434,000	3,300,000	34,102,000	+ 5,668,000	+ 30,802,000
Compact of Free Association	12,480,000	14,580,000	11,760,000	-720,000	-2,820,000
Mandatory payments	19,880,000	13,000,000	13,000,000	-6,880,000	
Advance appropriations, FY 1990	(22,000,000)			(-22,000,000)	
Subtotal	32,360,000	27,580,000	24,760,000	-7,600,000	-2,820,000
Total, Territorial Affairs	153,561,000	101,584,000	135,651,000	-17,910,000	+ 34,067,000
Departmental Offices					
Office of the Secretary	49,067,000	52,741,000	51,295,000	+ 2,228,000	-1,446,000
Oil spill emergency fund	7,300,000			-7,300,000	
Office of the Solicitor	24,686,000	25,325,000	25,325,000	+ 639,000	

Office of Inspector General.....	18,749,000	20,595,000	20,737,000	+1,988,000	+142,000
Construction Management.....	1,800,000	2,300,000	1,800,000		-500,000
National Indian Gaming Commission.....		2,000,000			-2,000,000
Total, Departmental Offices.....	101,602,000	102,961,000	99,157,000	-2,445,000	-3,804,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net).....	5,210,049,000	4,586,102,000	5,678,276,000	+468,227,000	+1,092,174,000
Appropriations.....	(5,240,049,000)	(4,586,102,000)	(5,708,276,000)	(+468,227,000)	(+1,122,174,000)
Definite.....	(5,225,443,000)	(4,571,596,000)	(5,693,770,000)	(+468,327,000)	(+1,122,174,000)
Indefinite.....	(14,606,000)	(14,506,000)	(14,506,000)	(-100,000)	
Rescission.....	(-30,000,000)		(-30,000,000)		(-30,000,000)
(Liquidation of contract authority).....	(47,000,000)		(12,000,000)	(-35,000,000)	(+12,000,000)
(Limitation on direct loans).....			(13,000,000)		(-13,000,000)
(Limitation on guaranteed loans).....			(45,000,000)		(-45,000,000)

TITLE II - RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

Forest research.....	137,867,000	133,799,000	149,435,000	+11,568,000	+15,636,000
State and private forestry.....	86,668,000	48,606,000	89,906,000	+3,238,000	+41,300,000
National forest system.....	1,045,781,000	1,016,410,000	1,132,426,000	+86,645,000	+116,016,000
Construction.....	225,518,000	221,000,000	222,199,000	-3,319,000	+1,199,000
Timber receipts transfer to general fund (indefinite).....	(-79,100,000)	(-92,000,000)	(-92,000,000)	(-12,900,000)	
Timber purchaser credits.....	(75,000,000)	(139,579,000)	(139,579,000)	(+64,579,000)	
Mount St. Helens (liquidation of contract authority).....	(5,333,000)			(-5,333,000)	
Land acquisition.....	64,205,000	64,831,000	61,988,000	-2,217,000	-2,843,000
Timber Roads, Purchaser Election, Forest Service (rescission).....	-40,000,000			+40,000,000	
Tongass Timber Supply Fund.....	35,999,000	(40,985,000)	(48,535,000)	-35,999,000	
Operation and maintenance of recreation facilities.....		9,000,000			-9,000,000
Acquisition of lands for national forests, special acts.....	966,000	1,068,000	1,068,000	+102,000	
Acquisition of lands to complete land exchanges (indefinite).....	335,000	1,070,000	1,070,000	+735,000	
Range betterment fund (indefinite).....	3,946,000	4,700,000	4,700,000	+754,000	
Gifts, donations and bequests for forest and rangeland research.....	90,000	30,000	30,000	-60,000	
Total, Department of Agriculture.....	1,561,375,000	1,500,514,000	1,662,822,000	+101,447,000	+162,308,000

DEPARTMENT OF ENERGY

Clean coal technology:					
Advance appropriations, FY 1989.....	190,000,000			-190,000,000	
Advance appropriations, FY 1990.....	(710,000,000)			(-710,000,000)	
Advance appropriations, FY 1991.....	(200,000,000)	(600,000,000)	(600,000,000)	(+400,000,000)	

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Advance appropriations, FY 1992		(600,000,000)	(600,000,000)	(+ 600,000,000)	
Subtotal, clean coal technology	190,000,000			-190,000,000	
Fossil energy research and development	380,595,000	163,574,000	422,660,000	+ 42,065,000	+ 259,086,000
Alternative fuels production	-12,000,000			+ 12,000,000	
Naval petroleum and oil shale reserves	185,071,000	192,124,000	192,124,000	+ 7,053,000	
Energy conservation	372,502,000	95,528,000	411,367,000	+ 38,865,000	+ 315,839,000
Economic regulation	21,372,000	20,346,000	18,300,000	-3,072,000	-2,046,000
Emergency preparedness	6,154,000	6,641,000	6,641,000	+ 487,000	
Strategic Petroleum Reserve	173,421,000	194,999,000	194,999,000	+ 21,578,000	
SPR petroleum account	242,000,000	35,407,000	319,407,000	+ 77,407,000	+ 284,000,000
Advance appropriations, FY 1990	(91,555,000)			(-91,555,000)	
Advance appropriations, FY 1991		(37,458,000)	(108,458,000)	(+ 108,458,000)	(+ 71,000,000)
Energy Information Administration	62,856,000	65,232,000	65,232,000	+ 2,376,000	
Total, Department of Energy	1,621,971,000	773,851,000	1,630,730,000	+ 8,759,000	+ 856,879,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,020,106,000		1,189,330,000	+ 169,224,000	+ 1,189,330,000
Tribal health administration		266,085,000			-266,085,000
Federal Indian health administration		817,314,000			-817,314,000
Indian health facilities	61,668,000		75,420,000	+ 13,752,000	+ 75,420,000
Total, Department of Health and Human Services	1,081,774,000	1,083,399,000	1,264,750,000	+ 182,976,000	+ 181,351,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	71,553,000	74,168,000	74,149,000	+ 2,596,000	-19,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	27,373,000	31,218,000	36,818,000	+ 9,445,000	+ 5,600,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	3,094,000	3,000,000	4,650,000	+ 1,556,000	+ 1,650,000
Smithsonian Institution					
Salaries and expenses	211,240,000	227,737,000	231,981,000	+ 20,741,000	+ 4,244,000
Construction and improvements, National Zoological Park	5,305,000	6,500,000	6,500,000	+ 1,195,000	
Repair and restoration of buildings	20,735,000	26,653,000	26,869,000	+ 6,134,000	+ 216,000

Construction	8,655,000	10,000,000	12,900,000	+ 4,245,000	+ 2,900,000
Total, Smithsonian Institution	245,935,000	270,890,000	278,250,000	+ 32,315,000	+ 7,360,000
National Gallery of Art					
Salaries and expenses	37,981,000	40,376,000	40,789,000	+ 2,808,000	+ 413,000
Repair, restoration and renovation of buildings	750,000	2,305,000	1,905,000	+ 1,155,000	-400,000
Total, National Gallery of Art	38,731,000	42,681,000	42,694,000	+ 3,963,000	+ 13,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	4,240,000	4,700,000	4,611,000	+ 371,000	-89,000
Endowment Challenge Fund	300,000			-300,000	
Total, Woodrow Wilson International Center for Scholars	4,540,000	4,700,000	4,611,000	+ 71,000	-89,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	141,890,000	142,950,000	144,250,000	+ 2,360,000	+ 1,300,000
Matching grants	27,200,000	27,150,000	27,150,000	-50,000	
Total, National Endowment for the Arts	169,090,000	170,100,000	171,400,000	+ 2,310,000	+ 1,300,000
National Endowment for the Humanities					
Grants and administration	124,300,000	126,550,000	134,630,000	+ 10,330,000	+ 8,080,000
Matching grants	28,700,000	26,700,000	26,700,000	-2,000,000	
Total, National Endowment for the Humanities	153,000,000	153,250,000	161,330,000	+ 8,330,000	+ 8,080,000
Institute of Museum Services					
Grants and administration	22,270,000	22,350,000	23,000,000	+ 730,000	+ 650,000
Total, National Foundation of the Arts and the Humanities	344,360,000	345,700,000	355,730,000	+ 11,370,000	+ 10,030,000
Commission of Fine Arts					
Salaries and expenses	475,000	494,000	516,000	+ 41,000	+ 22,000
National Capital Arts and Cultural Affairs					
Grants	5,000,000		5,000,000		+ 5,000,000
Advisory Council on Historic Preservation					
	1,303,000	2,123,000	2,153,000	+ 103,000	-70,000
	1,139,000	1,588,000	1,949,000	+ 403,000	-720,000

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	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Salaries and expenses	1,778,000	1,795,000	1,945,000	+ 167,000	+ 150,000
National Capital Planning Commission					
Salaries and expenses	2,962,000	3,133,000	3,123,000	+ 161,000	-10,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	28,000	28,000	28,000		
Pennsylvania Avenue Development Corporation					
Salaries and expenses	2,334,000	2,425,000	2,375,000	+ 41,000	-50,000
Public development	3,175,000	3,150,000	3,150,000	-25,000	
Land acquisition and development fund		12,000,000	12,000,000	+ 12,000,000	
Total, Pennsylvania Avenue Development Corporation	5,509,000	17,575,000	17,525,000	+ 12,016,000	-50,000
United States Holocaust Memorial Council					
Holocaust Memorial Council	2,244,000	2,315,000	2,315,000	+ 71,000	
Total, title II, Related Agencies:					
New budget (obligational) authority (net)	5,018,702,000	4,155,461,000	5,385,656,000	+ 366,954,000	+ 1,230,195,000
Appropriations, fiscal year 1989 (net)	(5,018,702,000)	(4,155,461,000)	(5,385,656,000)	(+ 366,954,000)	(+ 1,230,195,000)
Appropriations	(5,058,702,000)	(4,155,461,000)	(5,385,656,000)	(+ 326,954,000)	(+ 1,230,195,000)
Definite	(5,054,421,000)	(4,149,691,000)	(5,379,886,000)	(+ 325,465,000)	(+ 1,230,195,000)
Indefinite	(4,281,000)	(5,770,000)	(5,770,000)	(+ 1,489,000)	
Rescission	(-40,000,000)			(+ 40,000,000)	
(Liquidation of contract authority)	(5,333,000)			(-5,333,000)	
(Timber receipt transfer to general fund, indefinite)	(-79,100,000)	(-92,000,000)	(-92,000,000)	(-12,900,000)	
(Timber purchaser credits)	(75,000,000)	(139,579,000)	(139,579,000)	(+ 64,579,000)	
Grand total:					
New budget (obligational) authority (net)	10,228,751,000	8,741,563,000	11,063,932,000	+ 835,181,000	+ 2,322,369,000
Appropriations, fiscal year 1989 (net)	(10,228,751,000)	(8,741,563,000)	(11,063,932,000)	(+ 835,181,000)	(+ 2,322,369,000)
Appropriations	(10,298,751,000)	(8,741,563,000)	(11,093,932,000)	(+ 795,181,000)	(+ 2,352,369,000)
Definite	(10,279,864,000)	(8,721,287,000)	(11,073,656,000)	(+ 793,792,000)	(+ 2,352,369,000)
Indefinite	(18,887,000)	(20,276,000)	(20,276,000)	(+ 1,389,000)	
Rescissions	(-70,000,000)		(-30,000,000)	(+ 40,000,000)	(-30,000,000)
(Liquidation of contract authority)	(52,333,000)		(12,000,000)	(-40,333,000)	(+ 12,000,000)
(Timber receipt transfer to general fund, indefinite)	(-79,100,000)	(-92,000,000)	(-92,000,000)	(-12,900,000)	
(Timber purchaser credits)	(75,000,000)	(139,579,000)	(139,579,000)	(+ 64,579,000)	
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,370,284,000	1,000,167,000	1,386,872,000	+ 16,588,000	+ 386,705,000
United States Fish and Wildlife Service	453,896,000	407,919,000	479,262,000	+ 25,366,000	+ 71,343,000
National Park Service	990,537,000	893,582,000	1,061,377,000	+ 70,840,000	+ 167,795,000
Geological Survey	451,506,000	452,465,000	486,931,000	+ 35,425,000	+ 34,466,000
Minerals Management Service	170,744,000	181,116,000	175,066,000	+ 4,322,000	-6,050,000

Bureau of Mines	159,292,000	141,197,000	161,876,000	+2,584,000	+20,679,000
Office of Surface Mining Reclamation and Enforcement	294,255,000	254,125,000	295,500,000	+1,245,000	+41,375,000
Bureau of Indian Affairs	1,064,372,000	1,050,986,000	1,396,584,000	+332,212,000	+345,598,000
Territorial and International Affairs	153,561,000	101,584,000	135,651,000	-17,910,000	+34,067,000
Secretarial Offices	101,602,000	102,961,000	99,157,000	-2,445,000	-3,804,000
Total, Title I - Department of the Interior	5,210,049,000	4,586,102,000	5,678,276,000	+468,227,000	+1,092,174,000
TITLE II - RELATED AGENCIES					
Forest Service	1,561,375,000	1,500,514,000	1,662,822,000	+101,447,000	+162,308,000
Department of Energy	1,621,971,000	773,851,000	1,630,730,000	+8,759,000	+856,879,000
Indian Health	1,081,774,000	1,083,399,000	1,264,750,000	+182,976,000	+181,351,000
Indian Education	71,553,000	74,168,000	74,149,000	+2,596,000	-19,000
Office of Navajo and Hopi Indian Relocation	27,373,000	31,218,000	36,818,000	+9,445,000	+5,600,000
Institute of American Indian and Alaska Native Culture and Arts Development	3,094,000	3,000,000	4,650,000	+1,556,000	+1,650,000
Smithsonian	245,935,000	270,890,000	278,250,000	+32,315,000	+7,360,000
National Gallery of Art	38,731,000	42,681,000	42,694,000	+3,963,000	+13,000
Woodrow Wilson International Center for Scholars	4,540,000	4,700,000	4,611,000	+71,000	-89,000
National Endowment for the Arts	169,090,000	170,100,000	171,400,000	+2,310,000	+1,300,000
National Endowment for the Humanities	153,000,000	153,250,000	161,330,000	+8,330,000	+8,080,000
Institute of Museum Services	22,270,000	22,350,000	23,000,000	+730,000	+650,000
Commission of Fine Arts	475,000	494,000	516,000	+41,000	+22,000
National Capital Arts and Cultural Affairs	5,000,000	5,000,000	+5,000,000
Advisory Council on Historic Preservation	1,778,000	1,795,000	1,945,000	+167,000	+150,000
National Capital Planning Commission	2,962,000	3,133,000	3,123,000	+161,000	-10,000
Franklin Delano Roosevelt Memorial Commission	28,000	28,000	28,000
Pennsylvania Avenue Development Corporation	5,509,000	17,575,000	17,525,000	+12,016,000	-50,000
Holocaust Memorial Council	2,244,000	2,315,000	2,315,000	+71,000
Total, Title II - Related Agencies	5,018,702,000	4,155,461,000	5,385,656,000	+366,954,000	+1,230,195,000
Grand total	10,228,751,000	8,741,563,000	11,063,932,000	+835,181,000	+2,322,369,000

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to my colleagues at the outset that the chairman of the committee has worked very closely with the minority in fashioning a bipartisan bill. I think, given the tremendous number of requests and needs that we have, that we have tried to manage the moneys available to us through section 302(b) very carefully.

I am not going to go through what has already been covered very thoroughly by the chairman of the subcommittee, but I do want to talk about the moratoria aspects of this bill and what that means in terms of an energy policy for the future.

Let me give just a little bit of history. In the late 1970's, those Members who were here at the time remember the energy crisis. We had late night sessions. President Jimmy Carter in a speech to the Nation said it was the moral equivalent of war, we had gasoline lines, and farms, factories, schools, hospitals, and churches were short of fuel. It was truly a crisis. We had a special task force of the House appointed to deal with this.

□ 1110

Mr. Chairman, we tried to address it in a number of different ways in the 1970's. Today, even absent the gasoline lines there are warning signs that we are headed down the same road if we do not develop an energy policy for this Nation.

The philosopher George Santayana said, "Those who cannot remember the past are condemned to repeat it," and I am afraid that is what is going to happen in this Nation.

Mr. Chairman, let us look at the facts.

Fact No. 1: Demand is up 2.5 percent annually for energy. I am talking about oil. Forty-three percent of oil is used for transportation. That is more than we produced domestically in the United States.

Fact No. 2: Imports today are about 46 to 47 percent of our consumption, and we are headed in 1990 to 50 percent of the oil we use being imported. I contrast that to 1973, when we had the beginning of the crisis, and at that point we were only importing 36 percent of our oil. So my colleagues you can imagine what can possibly happen. In December of last year, for the first time in 9 years we imported more oil than produced, increasing our dependency on the Middle East, because most of the increases have come from the Middle East.

Fact No. 3: In the 10 worst spills since 1976, not 1 of the 10 were from offshore wells, and yet spills seem to be the concern and the reason for the moratoria. We do not want to have spills, but the facts are the spills are

not resulting from offshore platforms. No major spill has been reported from Federal offshore drilling on the Outer Continental Shelf for the last 20 years. This is an important element that we need to recognize.

Fact No. 4: Forty-five percent of the oil spilled in the past 20 years is from transportation, 2 percent from offshore drilling, a minute amount. I think, if we were being intellectually honest in terms of moratoria, we would say not only should we put a moratorium on the areas involved for platforms, but we should also include tankers. If we are truly concerned about spills, let us keep the tankers out of this acreage because that is the real problem.

This bill, of course, as I mentioned, represents a good balance on other issues. This marks the ninth time, however, that this bill has been used for a "1-year" ban on drilling. In 1981 we put a moratorium on 736,000 acres. This bill for fiscal year 1990 will put a moratorium on a total of 84 million acres, an increase of about 110 times over what we started with in 1981, and yet I can remember so well in 1981, when people were saying, "Well, it's for 1 year only. We just need a little time."

Mr. Chairman, we started out off of California in 1981. Today it includes California, Alaska, Florida, and much of the East Coast, and, not only have we put the moratorium on drilling, we have even included a ban on prelease activities. That means that we cannot even go out there and look for oil, assess the resource potential. The U.S. Government will not even know what we have. I would point out that the lands we are talking about are owned by all of the people in this Nation, not just the States involved, and we are only talking about what is beyond 3 miles, the Federal Outer Continental Shelf lands.

Mr. Chairman, I recognize the problem with this, and an environmental vote would appear to be for the moratorium. The truth of the matter is the environmental vote ought to be against the moratoria included in this bill. Why? Because it will avoid a crisis.

If we have gasoline lines, if we have the shortages as we did in the late 1970's, if we have what President Carter called the moral equivalent of war, we are going to have a tremendous public outcry, and anything will go, and we will forget about environmental standards.

To give my colleagues an example of what we did in 1978 in the 96th Congress, in that time frame we passed a bill during the crisis to waive Federal, State, and local environmental laws. We even waived, under some circumstances, judicial review. It was called the Energy Mobilization Board. Talk about power. Talk about the ability to

destroy everything we cherish environmentally. This is the kind of legislation that was passed in a period of crisis; passed the House 299 to 107; passed the Senate 68 to 25. Fortunately it died in conference because at that point we realized the dangers of giving this kind of power, but it illustrates what happens in a period of crisis.

In 1978 we passed the OCS Lands Act. It said, and this is still the law, "The OCS is a vital national resource reserve held by the Federal Government for the public," for the public, "which should be made available for expeditious and orderly development subject to environmental safeguards in a manner which is consistent with the maintenance of competition and other national needs."

Did we set the environmental standards? Do we have them in drilling today? Let me point that out. At this point in time, already in the law, one must get, if they are going to drill offshore, 17 different Federal permits, they must conform to 74 sets of Federal regulations, they must do what is consistent with State coastal management programs, and they must work with the Governors of each State. Those facts illustrate that we already have enormous safeguards, and that is one of the reasons we have not had any major spills in the past 20 years.

Bristol Bay is put under moratoria in this particular bill. To illustrate the fact that this does not make sense: In the development of Bristol Bay, we have already put 83 percent of that off limits so that the sale was only for 17 percent. This started in 1974, the first announced sale. In 1986, 12 years later, leases were sold, and then a series of lawsuits were filed. Those lawsuits held in favor of the U.S. Government, and in 1989 we are ready to explore the leases.

Here we are; we are talking about 15 years, and I use this to illustrate how difficult, under existing law and regulations, it is to develop offshore resources, but this bill puts a moratorium on Bristol Bay even though the Federal Government has collected something like \$96 million, and even though we are ready to develop, and even though we put 83 percent of the area, about the size of Alabama, off limits.

What I am saying, Mr. Chairman, is that, when the next crisis occurs, the next time we have gasoline lines, we will be faced with the fact that the spigot cannot be turned on overnight. Presently we are getting over 20 percent of our domestic production from Prudhoe Bay, and I can remember in the authorizing committee, when we wrestled with opening this area people said, "Oh, it will destroy the environment. It will cause enormous problems with the caribou," and so on, and yet we today depend on Prudhoe Bay for

20 percent of our domestic production. My colleagues can imagine what it would be like without access to Prudhoe Bay. Unfortunately many wanted to build a pipeline to bring that oil to the United States through Canada, but it was fought by many environmental groups, and we ended up with tankers, and we ended up with the *Exxon Valdez*.

However, Mr. Chairman, the point is that what we are doing here in terms of national energy policy is painting ourselves in a corner. Environmentally, and I am concerned about the environment as much as anyone, environmentally it is the wrong thing to do because what we will precipitate is a crisis situation, and in a crisis, when the farms, the factories, the gasoline lines, the schools, the hospitals, the churches are experiencing a shortage of fuel, we will be willing once again to do the Energy Mobilization Board to waive environmental requirements. How much better it would be to have an orderly development. Yet we are saying each year, for a period of 9 years now, starting with 736,000 acres, now 84 million acres, each year we expand it, not only to include drilling, but to include preleasing activity, we are saying we do not have an energy policy; we are not concerned about the potential for a future crisis.

Let me point out that the Saudi oil minister, a previous oil minister, a gentleman by the name of Yamani, and we saw a lot of him during the crisis in the 1970's, predicts that by the middle of the 1990's the Persian Gulf producers will account for 75 percent of the world's exports. It is rather regrettable that today because of some of our trade policies we find that Japan has a tremendous voice in fiscal policy in the United States. They have 7 out of 10 of the world's largest banks, and they dictate in many ways fiscal policy to us.

□ 1120

What we are headed for in energy is that the OPEC countries will dictate foreign policy because if they are exporting 75 percent of the oil production in the world, it obviously gives them enormous leverage.

In the U.S. News there was an article on June 19 mentioning the coming power crunch. I think that is all part of this need for an energy policy. They point out in this article that people do not want coal to produce electricity, even though consumption is going up 3 or 4 percent annually, because of concern about air pollution.

In nuclear, in California and Sacramento they voted recently to close Rancho Seco. We have canceled 65 nuclear plants since 1979. We are going to be faced with an oil shortage, and I wonder where we are going to get the power to fuel our factories, our homes,

and the many needs that we have as a Nation.

I think that aside from this bill, we need to address the problem of an energy policy for the United States, and here we are going in the wrong direction by putting off limits access to a very valuable resource, namely, the oil that lies in the Outer Continental Shelf.

I am not going to offer any amendments on this because I understand the concern that has arisen from spills and so on, but it seems to me that we should consider other ways to address that problem, since it is coming from the tankers and not the platforms on the Outer Continental Shelf.

Aside from all this, it is vital that this body address in totality the energy policy of this Nation, because if we fail to do so we will be faced not only with long lines, but we will be faced with brownouts and blackouts that will have an enormous impact on our ability to compete in our industrial economy. It has an impact on the quality of life in this Nation. If we fail to address the problems that are going to be confronting us in terms of energy policy, we, the leaders of this Nation and this body, will not be taking a responsible position. We need to learn the lesson of the 1970's and not allow that to happen again.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE], the leader of the minority on this issue.

Mr. CONTE. Mr. Chairman, I rise in support of this bill, and I hope all of my colleagues will vote for it—intact and unamended.

At the outset, I want to commend SID YATES and RALPH REGULA for their leadership in presenting to the House a well balanced recommendation.

SID YATES is a tough, but fair chairman. He is a man who stands on his principles and who bases his judgments on the facts, and I admire him for that.

The same is true for the ranking member, my good friend, RALPH REGULA. We disagree on a few issues like clean coal and acid rain.

But I know that someday, RALPH will see the light through those acid clouds and realize that it's time to clean up the mess and put an end to acid rain. I look forward to the day, in the not too distant future, when we'll be standing side-by-side in the Rose Garden watching President Bush sign an acid rain control bill into law.

But for now, I will settle for a presidential signature on this bill. It is a good one.

The recommendations in this bill are the result of months and months of hard work by the members of the Interior Subcommittee and later by the full committee.

Again, the chairman and ranking member have exercised able leader-

ship and creative hard work in meeting the endless needs brought to this subcommittee. And they have made these recommendations, responding to over 350 member requests from both sides of the aisle, all within the stifling framework of the 302-B allocation.

Mr. Chairman, H.R. 2788, the second appropriations bill brought to the floor this year, is under budget. The bill is under the 302-B allocation for budget authority and for outlays. No waiver of the budget act was required to bring this bill to the floor today.

Now, we have heard from our friends at OMB, and they have a few objections to this bill. But judging from past letters, this statement is a mild one. No veto threat is made. Although the administration opposes the bill, their primary objections involve a scorekeeping adjustment and a language provision.

First, OMB has a problem with the way this bill is scored. The green eyeshade brigade claims that the Committee did not properly score firefighting costs, and as a result the bill is actually over the 302-B allocation. Well, that fight was settled by the budget summit agreement. Firefighting costs are mandatory. Period.

That is history. It is time to move on.

Second, the administration opposes the committee language restricting oil and gas development on the outer continental shelf.

Specifically, OMB says that:

It would be inappropriate at this time, for the Congress to impose more OCS moratoria, or to prohibit activities designed explicitly to provide the kind of information that is needed to make environmentally sound decisions on drilling.

The committee bill has extended the moratoria language to new areas, but for good reasons.

One new area includes Bristol Bay, AL. That bay is a major salmon fishery, perhaps the best in the world. It is an irreplaceable resource, and we ought to think twice about subjecting it to the risk of another *Exxon Valdez*.

That spill in Prince William Sound was a crime. It broke my heart to see the waters of the great State of Alaska muddied by billions and billions of barrels of oil. It was depressing to see migratory birds, ducks and geese, literally oiled to death on the beaches.

And it was sad to watch the marine mammals struggle in an environment so toxic that it makes Love Canal look like a nature preserve.

I disagree with OMB on this issue of OCS leasing. We ought to give the President's task force a chance to make its recommendations, and all environmental risks should be thoroughly evaluated before drilling in these areas is permitted.

The administration has several other specific objections included in

the "Statement of Administration Policy" that I will include for the record.

Finally, Mr. Chairman, I want to address an amendment which may be offered by my friend, Mr. ARMEY of Texas.

I understand that he will propose a substantial cut in the appropriations for the National Endowment for the Arts. I hope that he will not offer his amendment.

We have all heard of the horror stories about funds misdirected to projects of questionable taste.

No one in this House sanctions that kind of work. I thought the most recent examples were disgusting, but Mr. ARMEY's amendment will do nothing to address this problem. Instead, by making a dramatic reduction in the NEA grant program, the Arme amendment will punish all the artists because of problems with a few.

In fact, throughout its 25-year history, the NEA has awarded more than 85,000 grants, with just a handful stirring any criticism.

This issue needs to be addressed in the proper forum, with a reasoned and deliberative approach.

The approach taken by the Arme amendment is like amputating your arm to remove a hangnail. I hope that the gentleman from Texas will not offer his amendment. The committee recommendation is sound, and the NEA program deserves the support of the House.

Mr. Chairman, let me repeat that this bill is under budget, for both outlays and budget authority. It is a good bill: fiscally sound and programatically balanced. I urge all my colleagues to support it.

STATEMENT OF ADMINISTRATION POLICY
H.R. 2788, DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES APPROPRIATIONS BILL,
FISCAL YEAR 1990

(Sponsors: Whitten, Mississippi; Yates,
Illinois)

The Administration opposes H.R. 2788 as reported by the House Appropriations Committee.

While under CBO scoring H.R. 2788 would fall within the 302(b) allocation, we do not believe that CBO scoring reflects accurately the domestic discretionary spending levels in the bill. If CBO changed its scoring in ways we believe are appropriate under the Bipartisan Budget Agreement, the bill would provide domestic discretionary budget authority of \$11,256 million, or \$356 million more than the Interior Subcommittee's 302(b) allocation. It would also provide outlays of \$10,547 million, or \$197 million more than the 302(b) allocation. By this scoring, H.R. 2788 would cause a violation of the limits established for domestic discretionary spending as set forth by the Bipartisan Budget Agreement, unless other subcommittees report bills that provide domestic discretionary appropriations below their House 302(b) allocation.

The Administration is opposed to the provisions extending moratoria on Outer Continental Shelf (OCS) pre-leasing, leasing and exploration. The President has established

an inter-agency task force to address congressional and public environmental concerns regarding three controversial lease sales scheduled for FY 1990. It would be inappropriate at this time, for the Congress to impose more OCS moratoria, or to prohibit activities designed explicitly to provide the kind of information that is needed to make environmentally sound decisions on drilling.

The Administration also opposes a number of other provisions, as outlined in the attachment.

The Administration urges the House to pass a responsible bill that (1) continues to fund essential programs, and (2) addresses satisfactorily the provisions opposed by the Administration.

Attachment:

INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

I. CONFORMANCE WITH BIPARTISAN BUDGET AGREEMENT AND 302(B) ALLOCATIONS

While under CBO scoring the Interior and Related Agencies Appropriations Bill would meet the requirements of the Bipartisan Budget Agreement as measured by compliance with the Interior Subcommittee's 302(b) allocation, the attached bridge table shows that the bill would actually provide a domestic discretionary total of \$11,256 million in BA, or \$356 million more than the 302(b) allocation. The BA level would result in outlays of \$10,547 million, or \$197 million more than the 302(b) allocation.

II. MAJOR PROVISIONS SUPPORTED BY THE ADMINISTRATION

Land Acquisition.—The bill recommends about \$200 million in appropriations from the Land and Water Conservation Fund to finance Federal land acquisition for recreation and conservation purposes. This is very close to the President's request and demonstrates the general consensus that a reasonable, sustained program of Federal land acquisition is justified. Although the Committee substituted a number of its own projects for some of the specific acquisitions proposed by the President, the overall funding allowance would make it possible to protect many nationally-significant natural and cultural resources.

Indian Land and Water Rights Claims.—The bill recommends additional funding of \$163 million so the Federal Government can meet its obligations in settling various recently authorized Indian land and water rights claims. Included in the \$163 million is the full \$77 million for the Puyallup (WA) land settlement enacted on June 21st, \$60 million for three recent Indian water rights settlements (Salt River, AZ; Colorado Ute, CO/NM; and San Luis Rey, CA), \$10 million for the Hoopa-Yurok (CA) reservation settlement, and \$15 million for WW II restitution payments authorized in 1988 to the Aleut people of Alaska.

III. MAJOR PROVISIONS OPPOSED BY THE ADMINISTRATION

A. Funding Levels

Department of the Interior

The Committee inappropriately addresses the deficit impact of forest fire fighting appropriations by placing nearly all Interior and Agriculture Department fire fighting funds (\$740 million out of \$761 million provided) in a new account as mandatory. However, approximately \$200 million of the amount appropriated to the new account would finance purely discretionary, planned activities. Although certain fire related costs are unpredictable and unavoidable (emergency suppression and rehabilitation),

many fire related costs are planned and programmed in advance (fire management and suppression). Planned fire fighting costs are discretionary.

Of the total \$761 million provided, the Committee proposes \$200 million for Interior Department forest fire fighting. This should be sufficient to ensure that Interior non-fire programs are reimbursed for transfers during FY 1989 to pay emergency fire fighting costs. However, it is far short of what would be necessary to pay projected FY 1990 Interior Department fire costs, thereby perpetuating the current cumbersome and misleading system of financing fire fighting after-the-fact.

The Committee unfortunately ignored the Administration's proposal to fund both FY 1989 and FY 1990 fire costs fully, partially offsetting the increased funding by reducing certain payments to States from Federal mineral and timber receipts. If the Administration's proposal is unacceptable, the Committee should propose a different means of financing fire costs that, like the Administration's plan, does not rely on inappropriate scorekeeping and does not increase the Federal budget deficit. We intend to continue working with Congress to resolve this matter equitably.

The Administration objects to Interior Department construction funding that is \$183 million (116 percent) above the President's request and \$65 million over FY 1989. Much of the additional funding is unnecessary and directed at low priority projects, not at the Department's backlog of needed health and safety projects. The additional construction projects are generally discretionary or non-critical, and can be foregone or postponed. New construction is a lower priority than providing equality operations, maintenance, and rehabilitation at existing facilities.

The Administration opposes over \$90 million in increases above the request for various low-priority grants to States and non-Federal research institutes. This includes Historic Preservation Fund grants (\$31 million), Abandoned Mine Land Reclamation grants (\$30 million), Land and Water Conservation Fund grants (\$17 million), grants to water resource and mineral institutes (\$8 million), and Endangered Species Act grants (\$5 million). Although many of the purposes to which these grants are directed are not objectionable, the need for fiscal restraint in Federal spending dictates that such grants be limited to the minimum necessary to address pressing, high-priority Federal responsibilities.

The Administration objects to proposed increases over the request to fund lower priority or special interest projects in various Interior bureau operating and research accounts. In total, these accounts would increase \$344 million (10 percent) over the Administration's request and \$287 million (8 percent) over FY 1989. Of this, \$189 million funds a 20 percent increase for numerous Indian programs for education, social services, natural resource development, and trust responsibilities.

These increases are not necessary. However, included in the \$189 million for Indian programs is a \$77 million BA adjustment (with no outlay impact) for conversion of certain Interior contracts with Indian tribes from a fiscal to a calendar year basis as required by law. There is no objection to the BA for the one time conversion.

The Administration objects to \$8.3 million to fund certain recently identified capital improvement program (CIP) deficiencies in

Micronesia. The funds benefit an airport runway in the Federated States of Micronesia and roads in Palau.

The Federal Government is not responsible for projects that are not within the scope of the previously funded Micronesian CIP program, nor for deficiencies caused by a lack of proper operations and maintenance by the local governments. In addition, the Federal Government should not provide funds above the previously approved Compact of Free Association amounts provided to the Micronesian governments (an average of \$30 million annually to Palau, and \$90 million to the Federated States of Micronesia), or the \$9.3 million in additional, pre-Compact funding for Palau.

Department of Agriculture

The Administration objects to the Committee's inclusion of \$258 million in its new fire fighting account to pay back FY 1988 Forest Service fire fighting funds transferred from the Knutson-Vandenberg Cooperative Work Trust Fund. Considering the \$250 million requested by the Administration and provided as part of the FY 1989 Supplemental Appropriation, the increase is not necessary to meet programmatic needs and would unnecessarily increase unobligated balances.

Department of Energy

The Administration would prefer that the Committee provide the full \$710 million included in the President's Budget for the Clean Coal Technology program, instead of the \$635 million included in the bill.

The Administration opposes the significant increases for fossil energy research and development (\$43 million or 11 percent over FY 1989 and \$261 million or 159 percent over the request), and for energy conservation research and development (\$33 million or 21 percent over FY 1989 and \$107 million or 122 percent over the request). Many of the increases are for low priority and special interest projects which are not likely to advance technology in these areas.

The Administration objects to an increase of \$209 million over the request for energy conservation grants. This additional amount is unnecessary because states have been supporting conservation grant activities with over \$3.1 billion they have received from petroleum overcharge violation cases.

Department of Health and Human Services

The Administration objects to the \$181 million increase over the request for the Indian Health Service. The Committee mark represents a 17 percent increase over the FY 1989 appropriation, a rate of growth 11 percent more than the estimated medical cost inflation of 6 percent. Of the \$184 million increases over FY 1989, a full \$38 million, or 21 percent, is composed of 21 earmarked, low priority, special interest projects.

The President's FY 1990 Budget seeks to promote self-determination contracting by requesting separate appropriations for tribally administered health services and those administered by Federal staff. Separate appropriations would make information clearly available to tribes to the steady or increasing level of funds for self-determination contracts, and would complement changes in tribal contracting envisioned in the Self-Determination Act Amendments of 1988. By rejecting the separate tribal and Federal health administration accounts, the Committee is inhibiting achievement of the goals of the Self-Determination Act.

National Foundation on the Arts and Humanities

The Administration objects to the Committee adding \$8 million for the National Endowment for the Humanities, \$1.3 million for the National Endowment for the Arts, and \$650 thousand for the Institute of Museum Services to the President's request. The levels requested in the President's Budget are sufficient to meet known needs. There is no programmatic justification for these increases.

Commission of Fine Arts

The Administration objects to \$5 million for National Capital Arts and Cultural Affairs. This would be used for general operating support on a non-competitive grant basis to Washington, D.C. arts and cultural organizations. This is unnecessary as it is a duplication of existing Federal nationwide competitive grants.

B. Language Provisions

Outer Continental Shelf (OCS) Oil and Gas Leasing and Exploration Moratoria.—The Administration objects to provisions that continue a "one year" leasing moratorium in the FY 1989 Interior Appropriations Bill involving Georges Bank (MA), and institute moratoria on pre-leasing activity in southern and central California; institute moratoria on OCS tracts out to 50 miles from shore in the mid-Atlantic; and establish moratoria on drilling and exploration in Bristol Bay (AK). In addition, the Department is directed to explore options for buying out existing Bristol Bay leases.

The President established an inter-agency task force to address congressional and public environmental concerns related to three scheduled FY 1990 OCS lease sales. It would be inappropriate to impose more OCS moratoria or to prohibit activities which are designed to provide specifically the kind of information that can lead to environmentally sound drilling decisions. The Administration has pledged not to conduct OCS leasing or exploration in the moratoria areas until after the task force has completed its work and the Administration has announced its decisions on the three FY 1990 sales under review.

Buy America.—The Administration opposes bill language that would require structures on the Outer Continental Shelf (OCS) to contain at least 50 percent U.S. labor and materials. This would seriously delay and increase the cost of oil production from the OCS; it conflicts with the Administration objective of encouraging reliance on indigenous energy sources; it is contrary to U.S. obligations under the General Agreement on Tariffs and Trade—inviting retaliation from countries such as the United Kingdom, Norway, the Netherlands, and Denmark; and it would create a new trade barrier at a time when there is widespread concern about creeping protectionism.

Forest Service (FS) and Bureau of Land Management (BLM) Excess Timber Receipts.—The Administration objects to language making available to the FS and BLM, Federal timber receipts collected in FY 1989 in excess of the FY 1989 amount estimated in the President's FY 1990 budget, with the excess amount available to the FS capped at \$35 million. Federal timber receipt estimates for FY 1989 have increased substantially over the February budget as a result of escalating sale prices and an increasing rate of harvest. This is due in part to an expected shortage of supply because of the

northern spotted owl litigation and proposed Federal listing of the owl as a threatened species. The effect of the Committee's action, which represents an additional, unnecessary earmarking of receipts that otherwise would be turned over to the General Fund of the Treasury, would be to increase outlays by about \$30 million in FY 1990.

Tribal Contractors' Liability Insurance.—The Administration opposes the rejection of language included in the FY 1990 Budget to postpone until at least FY 1991 the requirement from a 1988 law that Interior and HHS purchase liability insurance for tribal contractors. Despite this rejection, the Subcommittee did not provide funding in the bill to cover the cost of purchasing liability insurance, which primarily affects Interior's Bureau of Indian Affairs and HHS' Indian Health Service. Preliminary estimates are \$15 to \$50 million annually in additional Federal costs to cover such insurance. Even with additional funding, it is unlikely that Interior and HHS, with assistance from the Department of Justice, can administratively implement the liability insurance provision in a fair and cost-effective manner by FY 1990.

Helium Facility Sales.—The Administration objects to bill language that prohibits the sale of Federal helium facilities. Current Federal helium-processing activities are indistinguishable from commercial operations, and transfer to the private market would ensure that future Federal helium needs are efficiently met. The Helium Advisory Board, a group of major American helium producers, supports the privatization of the Federal facilities and has indicated the private sector's ability to meet future private and Federal helium needs. Interior's Bureau of Mines would retain sufficient crude helium inventory to ensure future supplies for Federal agency use in an emergency. An Administration bill to accomplish this restructuring of the Federal helium program (including sale of processing facilities in Amarillo, TX) has been introduced in the House, and is pending before the Mining and Natural Resources Subcommittee.

Naval Petroleum Reserves (NPR) Excess Receipts.—The Administration objects to language that would make receipts from the sale of oil and gas from the Naval Petroleum Reserves that exceed \$510 million (the Administration's February 1989 estimate) available to buy Strategic Petroleum Reserve oil in FY 1990. NPR receipts are now estimated to be \$630 million. The provision would increase discretionary spending by \$120 million.

Committee Approval Provisions.—The Administration objects to bill language that purports to restrict the use of funds or to limit agency actions unless approval is granted by Congressional committees. Such provisions are unconstitutional (see *INS v. Chadha*, 462 U.S. 919 (1983)). In any event, the executive branch will continue to provide the Committee notification and consultation that interbranch comity requires in matters in which Congress has indicated such a special interest.

Employment Ceilings.—The Administration opposes bill language to exempt programs funded by the bill from employment ceilings. The provision is objectionable because it prevents effective and efficient management of agency programs and promotes wasteful spending.

BRIDGE TABLE: HOUSE SUBCOMMITTEE ESTIMATES TO OMB ESTIMATES INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

[In millions of dollars]

	1989 enacted		1990 President's request		House committee action	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
CBO ESTIMATE						
Domestic discretionary spending ^a	9,312	9,941	8,990	9,376	10,898	10,349
Plus scorekeeping adjustments:						
National forest system					26	21
Oregon and California grant lands					12	9
The Subcommittee directs that "excess" timber receipts in the Forest Service and Bureau of Land Management be made available for the bureaus' use. This earmarking of receipts that would otherwise be turned over to the General Fund of the Treasury will increase the deficit by \$30 million.						
SPR petroleum					120	120
Bill language directs that receipts from the sale of oil and gas from the Naval Petroleum Reserves in excess of the budget estimate be available to buy SPR oil in FY 1990. This will increase domestic discretionary spending by \$120 million.						
Energy conservation PODRA receipts			43	43		
The President's budget assumed that receipts would not be realized in FY 1990. CBO includes an offset for receipts in its scoring of the request.						
Fire fighting			250	175	198	139
The subcommittee scores nearly all fire fighting appropriations as mandatory. OMB scores only reimbursements of prior year transfers and unplanned emergency fire fighting and rehabilitation as mandatory.						
Land and Water Conservation Fund Rescission			-30			
OMB scores the legislative proposal to rescind unused contract authority to the Subcommittee. The subcommittee rescinds the contract authority in proposed language.						
OCS moratoria					8	8
The subcommittee proposes 1-year moratoria on pre-leasing and lease sales in several areas, as well as bans on exploration for existing leases in two areas. CBO estimates that this would increase the deficit by \$2 million in FY 1990. OMB estimates that it would increase the deficit by \$10 million in FY 1990. Increases would be substantially greater in future years.						
U.S. Fish and Wildlife Service—Sport fish restoration and miscellaneous appropriations			91	36		
Congress does not recognize budget amendments not yet transmitted. Amendments were transmitted July 6, after CBO prepared its data. Amounts reflect CBO estimates for these accounts.						
Compact of Free Association	-3	-3	-6	-6	-6	-6
The subcommittee scores as discretionary funding for Palau for which authorizing legislation is required. These funds should be excluded from the discretionary total since they cannot be made available in the absence of legislation implementing the Compact.						
Franklin Delano Roosevelt Memorial Commission			19	1		
OMB scores the legislative proposal to begin construction on the memorial to the Appropriations Committee. The subcommittee recommends funding the memorial under the National Park Service.						
Outlay spendout rate differences		-251		-87		-93
Other scorekeeping differences	263	185	3	2	(0)	(0)
Total scorekeeping adjustment	260	-70	370	165	358	198
OMB ESTIMATE						
Domestic discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547
302(b) allocation					10,900	10,350
Difference between OMB estimate and 302(b) allocation					356	197

^a FY 1990 data based on CBO computer report dated 6/30/89. House committee totals are referenced in House Report 101-120.

Note: Detail may not add to totals due to rounding.

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990

[In millions of dollars]

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Enacted		Request	
							Budget authority	Outlays	Budget authority	Outlays
DISCRETIONARY SPENDING										
Department of the Interior:										
Bureau of Land Management:										
Management of lands and resources	426	445	432	427	446	427	20	-18	15	(^a)
Fire fighting account	(^a)	(^a)	250	175	198	139	198	139	-52	-37
Minerals Management Service: Payments to States for receipts under Mineral Leasing Act			1	1	-55	-55	-55	-55	-56	-56
Office of Surface Mining: Abandonment mine reclamation fund	193	218	150	189	193	200	(^a)	-17	42	12
Geological Survey: Surveys, investigations and research	452	459	452	453	487	485	35	27	34	33
Bureau of Mines: Mines and Minerals	159	161	141	147	162	160	3	-1	21	13
Fish and Wildlife Service:										
Resource management	356	348	340	344	375	371	19	23	36	27
Construction	48	30	10	34	30	38	-17	8	20	4
National Park Service:										
Construction	198	82	44	103	174	123	-23	41	130	20
Historic preservation fund	31	29		14	31	30		1	31	16
Bureau of Indian Affairs:										
Operation of Indian Programs	968	968	917	925	1,066	986	98	18	148	61
Construction	95	105	101	102	134	109	40	4	33	8
Miscellaneous payments to Indians	14	14	29	28	192	174	178	160	163	146
Office of Territorial Affairs:										
Trust territories of the Pacific Islands	28	28	3	5	34	32	6	4	31	27
Related Agencies:										
Agriculture—Forest Service:										
National forest system	1,047	1,025	1,016	984	1,158	1,086	111	61	142	102
State and private forestry	87	91	49	54	90	70	3	-21	41	16
Energy:										
Clean coal technology	190	92	710	120	635	119	445	28	-75	-1
Strategic petroleum reserve/SPR petroleum	415	646	322	342	726	730	311	84	404	388
Fossil energy research and development	381	354	164	288	423	392	42	38	259	104
Energy conservation	315	313	96	316	368	336	53	23	273	20
HHS—Indian Health	1,082	1,045	1,083	1,194	1,265	1,244	183	199	181	49
All other	3,088	3,419	3,049	3,296	3,123	3,350	35	-69	74	54
Total, discretionary spending	9,572	9,872	9,360	9,541	11,256	10,547	1,685	676	1,895	1,007

MAJOR CHANGES INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1990—Continued

(In millions of dollars)

Major changes	1989 enacted		1990 President's request		House committee action		House difference from:			
							Enacted		Request	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
MANDATORY SPENDING										
Fire fighting account ¹			174	129	542	381	542	381	369	252
Fiscal year 1989 fire fighting appropriations (various accounts)	309	309					309	309		
Administration of territories	42	42	35	35	35	35	—6	—6		
Compact of free association	23	23	19	19	19	19	—4	—4		
All other mandatory	9	9	9	9	9	9	(^a)	(^a)		
Total, mandatory spending	382	382	236	192	605	443	223	61	369	252
Total, interior	9,954	10,254	9,596	9,732	11,861	10,991	1,907	737	2,264	1,259

¹ Includes both Interior and Forest Service fire fighting. President's request includes proposed Federal wildland fire fighting accounts and proposed offsets.² Fire fighting amounts in fiscal year 1989 and reflected in their regular accounts.³ Less than \$500,000.

Note: Detail may not add to totals due to rounding.

□ 1130

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the most distinguished member of our subcommittee, the chairman of the full Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I will not mention how long the chairman of the subcommittee and I have served here together on the Committee on Appropriations and on this subcommittee, but I welcome this or any chance to compliment him and the other members of the subcommittee for the great job they have done.

We have to stop and look from time to time and take stock of where we are because we are disturbed about what is happening to our Nation. In the last 8 years our debt has increased from \$908.7 billion to \$2.8 trillion. Not only has that been true, but it looks like we are in for some more from reading the papers about recommendations to us. Our trade deficit is now \$118 billion per year.

I wish to point out that this is not as a result of the actions of the Committee on Appropriations. Our committee, since 1945, has been \$187.6 billion below the recommendations of Presidents. Under President Reagan we were over \$16.1 billion below.

Our situation comes not because of what we have spent on our own country but what we have gotten involved in in world trade and other places where we are not getting trade, but we are getting all of these foreign investments and production coming into this country, almost without restriction, and we are not keeping up our exports which are so vital. But I want to say again the very title of this bill from the Interior Appropriations Subcommittee tells us that funds in this bill are for our country, and our problems have not arisen from what we have spent on our own country. We have a big country. We have diverse interests. Everything we have is our wealth.

Mr. Chairman, our paper money is in bad shape, and I want to compliment the chairman of the subcommittee and the other members of the subcommittee for looking after our own country, because it is not what we spend here that causes our problems, but it is what we spend here that is going to enable us to handle our national financial problems if they are going to be handled.

I am not going to repeat in my remarks on the points my colleague from Massachusetts, but I subscribe to what he said. We have to look after our own country, because that is our real wealth, and that is what we are going to have to look to in the world.

We should have learned we cannot run the world, and certainly the last 9 years have proven we cannot finance the world. I am glad that we recognize we have to look after our own country, because if we ever pay off what we owe and handle what we have today, it is going to be because we looked after our own country.

However, I do want to provide examples of programs of national importance in this bill that are in my region and State—programs which have helped our economy to grow by 41 times since 1934 when we began addressing local problems with national programs. Funds for the Private John Allen National Fish Hatchery—one of 71 across the Nation (over \$200,000); funds for 2 of the 354 units of the National Park System including \$22,500,000 for Natchez Trace Parkway construction, \$25,000 for a management plan for the Natchez National Historical Park and management funds for the Park Service to continue to progress in the planning for that unit, and \$5,270,000 for the acquisition of historic Melrose in the Natchez NHP; \$600,000 for the marine minerals technology center located at Ole Miss; and funds within the total of \$42,900,000 provided for the Magnetohydrodynamics program to continue that portion of the program conducted at Mississippi State University. We continue to support diagnostic instru-

mentation work at Mississippi State University, particularly the innovative mobile equipment testing laboratory and related activity, and we expect the Department to continue current levels of support for the University. Construction of additional facilities is deferred for later consideration.

Mr. Chairman, as the gentleman from Illinois has stated, this bill contains important programs, similar to these, located all over our country and I urge it be adopted.

Again, the gentleman from Illinois [Mr. YATES] and the other members of the subcommittee, have done a great job.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to congratulate both the gentleman and the distinguished chairman of the subcommittee for their outstanding work with one exception. On that, I have to concur with the eloquent remarks of the gentleman from Ohio [Mr. REGULA] on the lack of advisability of the committee's action on moratoria.

Mr. Chairman, we have been hashing this issue out for the last 8 years, placing moratoria on greater and greater acreages around the Outer Continental Shelf, and keeping oil companies from developing our resources. It did not make sense when we started it; it sure does not make sense today.

Mr. Chairman, we are becoming increasingly dependent upon foreign nations for our oil supplies. We are cutting down unilaterally on our dependence on nuclear energy because it is deemed hazardous to the environment in one respect or another; because of acid rain, we are cutting down on coal usage. We are trying to adopt clean-coal usage, but the more we look into it, the more we realize we should not use coal. And now, we are unilaterally tying our own hands and preventing

ourselves from drilling in key areas around our Outer Continental Shelf thereby diminishing our domestic oil production, all in the name of saving the environment.

That might make sense if it were oil wells that caused the oil spills that we have been reading so much about lately, but oil wells are not to blame. It is not the oil wells. It is the tankers. If Members do not want tankers to spill oil in their environmentally sensitive areas, and certainly no rational person would, and while we regret what happened with the tanker *Valdez* in Alaska, and while we regret the Delaware incident and all the other oil spills that have occurred recently, but if Members do not want oil to spill on the outer continental regions of the United States, then let's just scrap the tankers and eliminate transported oil altogether.

Let me suggest to those who think it is wise to ban oil production, that if we ban the tankers and do not import oil or produce oil in this country and do not use oil, and if we do not use nuclear energy, and if we do not use coal, those responsible for such decisions should make do with what is left, which is virtually nothing, meaning that they will have no energy.

We in Louisiana have been producing oil off our Continental Shelf for many years. Production has not been without environmental problems. But, frankly, I am of the opinion that if other people around the rest of the country do not want to produce oil off their Outer Continental Shelf, I would just as soon use our Louisiana oil at home. There was a widely renowned public official in Louisiana who years ago said, "If they do not want to produce energy up in their territory, fine, let them freeze in the dark." Frankly, there is a lot of wisdom in that statement. We have to be self-sufficient in energy in this Nation.

If we cut ourselves off from oil production, if we cut ourselves off from coal production, if we cut ourselves off from nuclear energy, we are handing a weapon to the OPEC nations in the future, and creating a situation from which we will never recover. It is a very dangerous proposition.

I would urge the Members of this body not to do anything this year, because it is obvious that we are not going to prevail. But in the future, for crying out loud, let us reevaluate this process of moratoria. It is wrong, it is misdirected, and it is leading us down a very dangerous path.

Mr. YATES. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I have listened to the arguments of my good friend, the gentleman from Ohio [Mr. REGULA], and let me just say there is not a finer legislator in the House or a greater gentleman in the House than the gentleman from Ohio [Mr. REGULA].

I have listened to my good friend, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Chairman, the facts are that the companies that are supplying us with oil are the ones that are threatening the environment. Ordinarily I would not have taken time to discuss this, because my good friend, the gentleman from Ohio [Mr. REGULA], has laid out his side of the story so well. I think I should point out just one thing.

There is an article that appeared in the Wall Street Journal for July 6, 1989. I read from the headline: "Alyeska Record Shows How Big Oil Neglected Alaskan Environment; Pipeline Firm Cut Corners and Scrapped Safeguards, Raising Risk of Disaster."

Mr. Chairman, I read from the text:

Over the years, Alyeska has gradually and quietly scrapped many safeguards and never even built others that it told Congress it planned. Several past and present employees say they occasionally fabricated environmental records. Alyeska has fought proposed new regulatory controls in long, expensive legal wars of attrition that have enabled it to dump pollutants into the environment in excess of what regulators now consider safe. It allowed its defenses against a major accident to fall into disrepair. And many Alyeska statements—both before and after the spill—appear now to have been misleading at best.

Then, Mr. Chairman, we have James Woodle, who has been both Coast Guard commander for the Port of Valdez and an Alyeska Marine Superintendent, who says that:

The only surprise is that disaster didn't strike sooner.

Dennis Kelso, the head of Alaska's Department of Environmental Conservation, says:

Alyeska stands as a monument to a powerful and rich industry's failure to keep its commitments. They have operated as if they were a sovereign state, with terrible consequences. As a nation, we have to ask ourselves: "Can we trust them anymore?"

The article goes on and on at great length. The point I am making, Mr. Chairman, is that the fears that my friend from Ohio raises about shortages are actually true. We are faced with the shortages that he points out.

□ 1140

We have to face up to that. But the fact still remains that there is a responsibility that the oil companies have not yet faced of committing themselves to have better environmental standards.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have the same thing in the S&L crisis, the same thing in the HUD crisis. We are not enforcing the law. But that does not address the problem that we should cut ourselves off from the oil.

We should enforce those rules and regulations. I agree with the gentleman.

Mr. YATES. I agree with the gentleman from Ohio. As is so often the case in our bill, the gentlemen find themselves in agreement.

Mr. REGULA. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. LOWERY], a member of the subcommittee.

Mr. LOWERY of California. Mr. Chairman, I rise in support of the Interior appropriations bill for fiscal year 1990, and commend both the gentleman from Illinois and the gentleman from Ohio for their leadership, vision, and commitment.

I would also like to acknowledge the outstanding leadership of President George Bush, whose wise decision to curtail offshore development in three areas of the Federal Outer Continental Shelf pending a task force study, has been reaffirmed in this bill before us today. The President's action halted preleasing steps in southern and northern California planning areas, as well as southwestern Florida. This bill would add central California and ensure that preleasing be kept in abeyance until October 1990.

By extending President Bush's delay in prelease activity, the committee is allowing for meaningful review of the task force's results before proceeding with the sales. And that is presuming the task force recommends that the sales go forward.

In the meantime, it should be noted that the committee's action in no way precludes important environmental data gathering. Indeed, environmental, geologic, economic, engineering, and other scientific analyses, studies and evaluations may proceed. Also, public meetings and negotiations, participation in task forces and other cooperative efforts are not precluded. The only actions we seek to prohibit are the formal steps which lead to an actual lease sale.

Well before the catastrophic *Exxon Valdez* spill, a bipartisan majority of the California congressional delegation and both California Senators asked the President to halt preleasing steps while the task force conducted its business. In this post-*Valdez* climate, however, a prelease ban is even more compelling.

The President's National Response Team, headed by Transportation Secretary Sam Skinner and EPA Administrator Bill Reilly, concluded in its May 18, 1989, report that oilspill cleanup procedures and technologies are primitive. A 22-year veteran spill research scientist at the Minerals Management Service told the Wall Street Journal that—

Ninety-nine percent of the time there isn't enough equipment on the scene within the first critical four to eight hours, and when recovery starts there is almost never sufficient storage for recovered oil * * * The cur-

rent technology amounts to having a quarter-inch lawnmower working on a 40-acre field.

During my 9-year tenure in Congress, the oil industry has made repeated claims that technological advances will mitigate any offshore spills. "Don't worry, be happy,"—to quote a famous song—was their message. I doubt you'll be hearing that refrain in Alaska, Delaware or Rhode Island in the near future.

To those who would label this as a tanker problem, wholly unrelated to OCS development, let me remind you of the pre-*Valdez* comments of EPA and the Fish and Wildlife Service regarding the proposed OCS lease sale offshore northern California. Without getting overly technical here, both agencies questioned Minerals Management Service oilspill analysis. Fish and Wildlife went as far as to say that current technology cannot effectively clean up a spill:

Oil spill cleanup and containment equipment is not deployable in severe weather, and in calm weather the containment and cleanup is at best only partially effective.

Simply stated, oilspill issues are not unique to tanker accidents. Even if all new OCS development were to utilize pipeline transfer techniques, which is not contemplated by MMS, oilspill cleanup technologies would still be a critical element in balancing resource development and environmental risks.

The bill before us today is a prudent and sensible response to the *Exxon Valdez* accident. What is the rush to resume preleasing steps upon delivery of the task force report? Do we not want to learn from the mistakes of the *Valdez*, not to mention other issues the task force may uncover, before we subject far more populated areas of our country to the risks of offshore development?

In closing, let me assure my colleagues that California is not asking for special treatment, only sensible treatment. California is a very active oil-producing State, accounting for nearly 14 percent of total U.S. production, and ranking fourth among all States behind Texas, Alaska, and Louisiana. My State has been producing onshore and offshore oil since the late 1800's, and its total production is greater than total OCS production nationwide. California is not sitting still, either. Conveniently overlooked by those who would proceed with development post haste is the fact that OCS production offshore California will nearly triple between 1987 and 1992.

The responsible measure before us will ensure that more than just lip service is paid to the Presidential task force's report and I urge my colleagues to support the committee bill.

Mr. YATES. Mr. Chairman, I yield 5½ minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCoin. Mr. Chairman, I strongly support this bill and urge my colleagues to support it. I also wish to express my gratitude and respect to the chairman, Mr. YATES, to the ranking Republican, Mr. REGULA, and to the staff for bringing forward this excellent bill.

Mr. Chairman, if there ever was a bill that could be called America's bill—this is it.

And the bill is especially important to Oregonians. With more than 50 percent of Oregon owned by the Federal Government and managed by the Interior Department and the U.S. Forest Service, this bill may well be the most important bill in Congress for Oregon.

Some of my colleagues may be aware of the controversy we face in the Pacific Northwest over the future of our public forest lands—the spotted owl and old growth sections of forests. I want to take a minute or two of the committee's time to explain to my colleagues the situation we face in my region.

We are trying to reconcile two fundamentally different values that divide Oregonians who care about the public forests.

On the one hand, there are those who think that Oregon's environment is an intrinsic part of the quality of life in our State and want to preserve that heritage.

On the other hand, there are those communities—those families—whose lives depend on the use of the forest resources in making lumber, plywood, pulp, and paper.

One faction views continued timber harvest as a threat to the health of the forest, while the other faction views more preservation of public lands as a threat to the existence of their communities.

The conflict has escalated to the point where several lawsuits have been filed and temporary injunctions have been imposed—pending hearings on the merits of the cases—which severely curtail the timber sale programs of the Forest Service and the Bureau of Land Management.

The result is near paralysis of public timber sales and panic in those towns that depend on the mills for their survival.

The Members should know, however, that we in the Northwest are working to reconcile this conflict. Members of Congress and Governors, Democrats and Republicans, officials from Oregon and Washington have jointly proposed a compromise for the next 15 months.

This compromise would protect the most important, unfragmented old growth forest habitats, while freeing up a modest amount of timber sales to keep mills operating and people working.

It is a proposal which requires both sides to give up something, but both sides get something, too.

It has been my hope, Mr. Chairman, that this substantive compromise could be included in the bill before us today because every additional day of paralysis unnecessarily threatens the well-being of thousands of working families in the Northwest.

One side of the conflict has agreed to the proposed compromise—the industry. We are waiting for the environmental coalition to act in the public interest.

If there had been agreement, this bill today could have resolved the issue and protected the spotted owl and the industry.

In the meantime, I want to say that the initiatives in this bill for research, inventory, and management of old-growth forests and species, as well as the investments in reforestation of Forest Service and BLM lands and in technical assistance for small private forest landowners in Oregon and Washington, and the reinsertion of the prohibition on the export of Federal timber in raw log form all go a long way toward working out our problems in the Northwest.

□ 1150

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Washington, [Mr. Dicks].

Mr. DICKS. Mr. Chairman, I would like to comment on the statement, the very excellent statement made by my good friend and colleague, the gentleman from Oregon [Mr. AuCoin] who has been a leader on this subject. The issue he has just discussed is one of the most important issues facing the entire Pacific Northwest, the States of Washington and Oregon, as well as California and Idaho are affected.

I just want to say to the gentleman that we need, I think, to continue, and I would urge the chairman to help us as we go through this legislative process, when later on there may be an opportunity to address this issue in a House-Senate conference committee dealing with a potential Senate amendment that would deal with this problem; I would just urge the chairman, if he could, to help us on this, to understand the gravity and importance of this issue from both an economic and an environmental perspective.

Mr. AuCoin. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. AuCoin. I thank the gentleman for yielding.

Mr. Chairman, I just want to state that I for one and, I know, the members of the whole Northwest delegation appreciate the leadership the gen-

tleman from Washington State [Mr. Dicks] has shown on this issue.

I think the gentleman would agree with me that we are not trying to tilt toward the industry at the expense of the spotted owl or old-growth forests or tilt toward the environmentalists at the expense of the industry, the reverse of this. What we want is a balanced proposal that saves the spotted owl, does the responsible environmental thing, but also keeps alive an industry that families and their livelihoods depend upon.

We had a chance in this bill to have this compromise attached. We did not get it. But I think we still have that chance. I think it is very incumbent upon the affected parties as well as the regional delegation to work toward that end. I send a signal to all those who are reluctant so far to join in this compromise, and I think the gentleman would agree with me, to get on board.

Mr. DICKS. I would just like to remind the committee that this remains probably the most crucial economic issue facing the entire Pacific Northwest. We have hundreds of communities, thousands of individuals, many businesses that are looking to the Congress that are trying to come up with a balanced approach to this. I just want to commend the gentleman from Oregon; I know together we are going to continue to work together and to do everything possible to find an answer. And we are going to ask our colleagues on the committee to help in that process.

Mr. AuCOIN. I think the answer the gentleman is talking about is one that does the environmentally responsible thing as well as the economically responsible thing; and that is what we are seeking.

Mr. DICKS. Yes.

I just want to say that I would like to compliment the chairman and the committee staff for all the help that they have given me. We have had a very difficult series of issues in Washington State, including a very important Indian lands claims settlement.

I compliment the chairman, the ranking member, and the committee staff for the help and cooperation which I have received. I am deeply appreciative of their constructive ideas and suggestions in helping us resolve another important problem in the State of Washington.

The CHAIRMAN. The Chair would advise the gentleman from Ohio [Mr. REGULA] he has 3½ minutes remaining and the gentleman from Illinois [Mr. YATES] has 11 minutes remaining.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in support of H.R. 2788. This bill addresses two vital acquisition opportunities that depend upon

appropriations for the U.S. Forest Service in fiscal year 1990.

In my own State, the crucial 8,620-acre Lamoille Canyon in the Ruby Mountains is available for Federal purchase this year. Lamoille Canyon is one of the most visited outdoor recreation destinations in Nevada, offering an extraordinary range of recreation opportunities. However, key inholdings at the mouth of the canyon remain in private hands, subject to development.

In the Toiyabe National Forest, just over the Nevada/California border, the long-term acquisition program in Hope Valley continues through the cooperative efforts of Federal and State agencies. Three of the major landowners in Hope Valley, all Nevadans, have temporarily foregone economic alternatives for their California lands in order to make them available for public purchase.

I am glad H.R. 2788 appropriates the funds for the acquisition of these wonderful lands. I would like to thank my colleagues Mr. REGULA and Mr. YATES and their staffs for their hard work in crafting a bill that balances so many worthy requests for scarce resources.

In addition, Mr. Chairman, as you are aware Congress passed the Indian Gaming Regulatory Act—Public Law 100-497—at the end of the last year. This law calls for the creation of the National Indian Gaming Commission which was established as an independent agency within the Department of the Interior to regulate and monitor class II gaming conducted on Indian lands. Initial funding of \$2 million to establish the commission was requested in fiscal year 1990. However, the Appropriations Committee has deleted funding for fiscal year 1990.

Furthermore, the Appropriations Committee is extending the Indian Gaming Regulatory Act's 1-year grace period for slot machine gaming on Indian lands. In Public Law 100-497, section 4(7)(D), tribes operating certain kinds of gaming operations had a 1-year grace period from the date of enactment of the act—October 1988—to continue such operation while negotiating with the States on a Tribal-State compact. The grace period would apply only where the machines had been operated legally as of May 1, 1988.

I am opposed to both actions by the Appropriations Committee. As you well know, the classification of slot machines was one of the central issues in the Indian gaming debate. The grace period provision was included as part of the overall compromise, and I feel that an extension of the grace period would violate that compromise. Further, it is my understanding that gaming machines are prohibited under State law in virtually all States except Nevada, Montana, New Jersey, and Colorado. In addition, the operation of any slot machine on Indian lands is expressly prohibited as a matter of Federal law by the Johnson Act (15 U.S.C. 1171). As a result, it is extremely doubtful that the grace period is applicable to any operations which involve the use of slot machines on Indian lands. Indeed, the extension of the grace period is likely to cause

great regulatory uncertainty for tribes and law enforcement authorities throughout the country. Accordingly, the provision is unnecessary and would have no benefit for Indian tribes.

Finally, I believe that the Appropriations Committee is tampering with a fragile compromise authorized by the Interior Committee and passed into law by the Congress and am opposed to such legislation on an appropriations bill. It is my hope that during the course of Senate considerations of this bill that such language is not added and that the conferees will strike the provision included in the House bill.

Mr. Chairman, I urge support of H.R. 2788.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 2788 as reported by the Committee on Appropriations. In particular, I wanted to speak briefly with regard to the issues involving oil and gas development.

The committee has, for the ninth year, provided for a moratorium with regard to offshore drilling. I think it is important to recognize what this history reflects because I realize there is a lot of discussion about what this all means.

I think it really reflects three things: It reflects the failure of this Nation to develop a comprehensive energy policy; I think it reflects the failure of policy with regard to offshore development; and I think it also recognizes the President's own reservations about policies in this area by the very fact that he had to establish a task force to again look at the whole issue of offshore development.

First, with regard to the failure of energy policy, I think all of us agree if we are going to have a valid energy policy for this country it has to be based not only on development, it has to be based on incentives for conservation as well as the development of alternatives.

Unfortunately, in the last few years we virtually eliminated the incentives for conservation and for the development of alternatives energy. So we are relying on what? On the continuing development of oil and gas. The problem now is that we are so dependent on oil and gas that we have made the decision that wherever it is, wherever any drop of oil may be, somehow we are going to have to go after it.

That is wrong for the Nation, it is wrong in terms of the energy policy for the future.

Let me also share with the Members the fact that California, although it is the subject here of the moratorium, is also a State that performs its role with regard to energy development.

We are fourth in the Nation in terms of offshore development and between now and 1992 our California offshore

development will virtually triple without any restrictions imposed by the Congress. That is a path we are on.

Second, we have a failure of policy in terms of offshore development. We seek good stewardship; that is the balance between what we develop and what we protect. That is the issue. Unfortunately we have failed to have good stewardship in this area and the oilspill issue basically reflects that failure.

This is also an issue of honesty. The companies have said, "No problem, we can clean up oilspills." But they failed to do it in Valdez, they have failed to do it every time there is a spill.

Is the issue "tankers versus oil rigs?" Not at all, because with regard to oil development, particularly off northern California, we are talking about the use of about 248 more tankers just to develop the oil there.

So whether it is a tanker or whether it is an oil rig, the issue is: Can you control an oilspill?

□1200

That cannot be done, and we have had evidence of that fact every day.

Third and last, the President of the United States himself has recognized these other failed policies by the very fact that he had to appoint a task force to look at these issues. We think it is important for the task force to do its job, but at the same time Minerals Management Service and the Interior have policies that are moving ahead regardless of what the task force recommends to the President, unless we adopt the committee recommendations of prelease steps and on the lease sales themselves.

We feel that the issue is the need to be consistent with what the President feels is what is important for energy in this country. We need to establish this moratorium so we can have a fresh look at this issue. The issue is good stewardship of our resources. That is a message that the President has to hear, and that the country has to hear, and we will accept no less.

Mr. Chairman, I rise in support of H.R. 2788 as reported by the Appropriations Committee. More particularly, I rise in support of the provisions of the bill addressing the issue of oil and gas development off the California coast and elsewhere.

There was a great deal of publicity about these provisions after the subcommittee's and full committee's markups. But aside from all the attention which they have received, they really are very modest provisions which only do one simple thing—they ensure that we do not spend time and money on prelease steps for California lease sales until we know what the President's OCS task force will recommend in January 1990, and what the President himself will recommend at some point in the future.

When President Bush established the task force earlier this year, he recognized that those who have expressed concern about

leasing off California have raised legitimate, serious issues. By halting the leasing process while the task force prepares its report, the President also in effect admitted that existing reviews of leasing in these areas may not have been adequate and that work which has already been done may have to be redone before leasing can even be considered.

Frankly, that job alone would be a substantial one, but it is now clear that the task force review and the President's evaluation of the task force's work must also focus closely on an issue which has become especially important in recent months—the ability of oil companies to cope with even the smallest spill. The Valdez spill, followed by the spills off Rhode Island, Delaware, and Texas, illustrates that the industry's assurances over the years that it can cleanup oilspills cannot be accepted and that a comprehensive reconsideration of this issue must be undertaken. Such a reconsideration must be reflected in the work of the task force and in any future decisions by the administration with respect to leasing off California. The task force cannot simply assume that old data and old assumptions are still valid, and preleasing steps, if resumed, simply cannot be based on the same outdated information.

And, if there is still any doubt in anyone's mind that we do not have the capability to clean up these spills, let me note some of the comments on this issue which appeared in an article in the Wall Street Journal on June 26, 1989. The author of the article noted that "despite numerous promises to the contrary, the oil industry's recent performance has shown it has had neither the technology nor the level of commitment necessary to control these major hazards." The article continues: "Despite a major but belated effort, Exxon Corp. recovered from the water only perhaps 5 percent of the 11 million gallons spilled by the Exxon Valdez * * *. As poor as this performance is, it's about average for the industry. For the past two decades, the normal range of recovery for open-sea spills hasn't changed—at 2 percent to 10 percent." An MMS official is also quoted as saying that "ninety-nine percent of the time there isn't enough equipment on the scene within the first critical four to eight hours, and when recovery finally starts there is almost never sufficient storage for recovered oil."

To those who would argue that the real issue is tanker spills, rather than spills from rigs, I would note that the administration's California leasing plans could very well increase tanker traffic along the coast, rather than diminish it, thereby further increasing oilspill risk. In the Draft EIS for Lease Sale 91, for example, the administration indicated that it favored tanker transport of oil from proposed rigs off northern California rather than a pipeline transport option. The administration's choice of this approach could actually result in 248 additional tanker trips per year along this dangerous stretch of coastline.

The real lesson in all this is honesty—honesty because it is good public policy and honesty because it is the only way to ensure that proper safeguards are taken to prevent future problems. We must deal openly with the oilspill cleanup issue and not play games by pretending that the chance of spills will be dimin-

ished by increased OCS development. To play that game is only to continue the dishonesty and half-truths—of underestimated oilspill risks and overestimated cleanup measures—which ultimately produced the tragedy at Valdez and which will produce other similar tragedies unless past practices are reversed. By stopping preleasing steps until we have the task force report and the President's recommendations and until we determine whether oilspill risks have been properly evaluated, we can ensure that a policy of honesty is applied in California and the risk of a recurrence of another tragic oilspill is greatly diminished.

The painful experiences of the State of Alaska and other States have not come as a shock to those of us who have been involved in this issue for many years. We have repeatedly questioned the industry's ability to cope with spills. In 1986, for example, I formally recommend that the Interior Department require pipeline transport to shore all oil produced off the California OCS and that it require that industry actually provide a satisfactory level of cleanup capability. Those recommendations, which would have addressed both the issues of tanker traffic associated with oil rigs and oilspills, have not been accepted by the Department.

What has been just as alarming as the industry's meaningless assurances and the Department's rejection of sensible recommendations to address the oilspill issue is the fact that the Government has systematically underestimated the risk of oil spills from drilling off the California coast. Documents relating to Lease Sale 91 which Congressman MEL LEVINE obtained in a Freedom of Information Act request revealed that the Minerals Management Service suppressed concerns about oilspill risks and other issues which were raised by staff of the U.S. Fish and Wildlife Service, and very serious problems with its work on Lease Sale 91 were also raised by EPA and the National Oceanic and Atmospheric Administration. This has undermined the credibility of the environmental review process which is so critical to the leasing program and to public confidence in this process.

The impact of both the industry's false promises and the Government's refusal to address the oilspill risk seriously is that, as the New York Times observed in a recent editorial, "industry and Government are turning priceless public trust into anger." We have an opportunity to avoid that unhappy circumstance, but only if the public is convinced that the administration's review of the California offshore oil drilling question is legitimate, that it is not just a rehash of old positions and arguments. And, I will tell you quite frankly, the only way in which we can be assured that this is the case is by taking the approach identified in the committee bill.

The committee bill ensures that we do not continue with environmental impact statements, public hearings and other preleasing steps which would, necessarily be based on old assumptions about environmental issues and oilspill cleanup. It does not prevent the task force from doing its work and it does not stop environmental studies which could help us to understand better the impacts of drilling. It does not prevent the administration from

working with the delegation and the State to try to find ways to resolve this dispute. It simply says that we will halt the specific steps involved in preparing for a lease sale until we have the President's assessment in hand and, hopefully, until we have a clearer understanding of the lessons of the Valdez and the other recent oilspill catastrophes.

I would point out to my colleagues that the halt in preleasing is not new. The Georges Bank area off Massachusetts has had limits on prelease steps for many years. I would also point out to my colleagues that the committee bill does not mean that California will not contribute its fair share to our Nation's energy needs. In fact, California ranks fourth in the United States in oil production now, behind Texas, Alaska, and Louisiana, and its total onshore and offshore oil and gas production is greater than that of the entire U.S. outer continental shelf. In 5 short years, between 1987 and 1992, the State also expects to nearly triple its daily oil and gas production from its OCS waters. This process will go forward.

California is already doing its fair share in energy production, and it asks only that it be given a fair shake in return. It asks that sensitive areas be protected and that legitimate issues of environmental protection and oilspill cleanup be fairly and impartially evaluated. It asks for an honest commitment to achieve these goals. The committee bill will guarantee that the State gets that honest commitment and will give the State its fair shake. I urge its support.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me.

I am here briefly to thank the subcommittee, and particularly the chairman, and the ranking member, the gentleman from Ohio [Mr. REGULA] for one particular portion of this very carefully crafted bill. There are funds set aside in this bill to provide the initial funding for settlements of four Indian claims, settlements that have been legislated in the 100th and the 101st Congress. These settlements are in the States of Colorado, Arizona, California, and Washington.

Members have provided funding to begin the process of completing those settlements over the course of the next 2 or 3 years, and have done so not at the expense of other Indian programs. For this, I am greatly appreciative, as is the general native American community greatly appreciative. On behalf of the gentleman from California [Mr. CAMPBELL] and the gentleman from California [Mr. PACKARD] and the gentleman from Washington [Mr. DICKS] and myself and the communities we represent, I deeply appreciate your efforts on our behalf and extend to the gentleman our appreciation.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, I rise in support of H.R. 2788, the Interior appropriations bill. Mr. Chairman, this bill is a balanced bill. It is a product of a tremendous amount of cooperation between the majority and the minority, and I think particular praise ought to go to the chairman, the gentleman from Illinois [Mr. YATES], and the ranking minority member, the gentleman from Ohio [Mr. REGULA], who have worked to resolve a number of extremely difficult questions, and I think have found useful compromises that I believe are reflected in the broad, broad support that this bill has.

Mr. Chairman, this bill reflects, I think, more of a stopgap measure than anything else, in the areas of protection of our natural resources and the issue of energy development. We do not have a national energy policy. The lack of that policy has caused Members to deal in a stopgap measure in this bill on issues such as the Outer Continental Shelf moratorium. That is unfortunate. I think what has happened is we have seen in the bill, a number of tenuous compromises which are not going to hold over the long run, and indeed, which in the absence of a national energy policy, will lead to severe economic and environmental problems in this country.

At the core of those issues is the question of drilling in the offshore. We had a situation where what is reflective in the moratoria that are in this legislation is simply the fact that the large oil companies, and the same companies that are drilling in the offshore are also involved in the tankers, and they are not two separate groups, and even though the tanker accidents are the cause of the vast majority of the spills, the same corporations who are responsible, and the fact of the matter is that they do not have the capacity to clean up, and they do not have the intention of cleaning up. The fact of the matter is that the large oil companies, led by Exxon, have made a determination that it is cheaper to accept the adverse PR of an oil spill and to not make the investments in research and development, to not make the investments in safety, and that is reflective in the Alyeska and this shameful, shameful history and deception of Alyeska in terms of their promises and the reality of their performance in assuring environment protection and safety. Ultimately, it is a reflection of the *Exxon Valdez* and the situation as we speak, that tanker continues to pollute our oceans.

I would hope that with the passage of this bill it would be an incentive for the administration to begin to establish a national energy policy.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I would like to congratulate

and thank the Committee and the honorable chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, for the manner in which they balanced the competing interests of fossil energy research and development programs. This bill represents a reasonable approach to support our country's efforts to ensure that technologies exist to respond to fossil fuel supply disruptions. Perhaps equally important, this legislation continues the mandate to maintain research that will promote cleaner, more efficient uses of our fossil energy resources.

I understand that this bill contains research priorities to ensure, among other fossil energy resources, that enhanced oil recovery, oil shale, and coal-related research will continue. As the distinguished chairman knows, Eastern and Western energy resources share common characteristics. They also have distinct differences. The continued development of such technologies will ensure our energy independence. This requires basic research.

H.R. 2788 contains funding for several organizations that perform fossil energy research. This research is vital to the Nation's continuing efforts toward energy independence and a cleaner environment.

One organization that has been on the cutting edge of important energy research is the Western Research Institute. This organization employs a vast pool of talent and expertise. I feel that this experience and expertise should be employed in a manner that encourages joint research with industry.

I am pleased to know that this bill, H.R. 2788, encourages this type of joint research between organizations like Western Research Institute and industry.

Mr. Chairman, nearly all of the activities reported in the bill have important points in beginning. I'm pleased with the attention given the agency and yet the bill fits within the budget resolution.

I again commend Mr. YATES and Mr. REGULA and their colleagues for the way in which they have balanced research program requirements in light of the need to comply with very difficult budget limitations.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on Interior and related agencies.

I believe that the subcommittee is aware of the emergency situation confronting the Navajo Academy in New Mexico, a college preparatory school for native Americans operated and maintained by the Bureau of Indian Affairs. Navajo Academy must vacate

its present leased premises by mid-1991. The Navajo Academy is planning on building a new facility in time for the move so that it can continue its fine work of preparing Indian students for university studies.

Mr. Chairman, am I correct in my understanding that the Subcommittee on Interior and related agencies recognizes the importance of continuing the educational work of Navajo Academy and would urge the Bureau to work with Navajo Academy to identify possible sources of funds for a new facility?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman.

Mr. YATES. The gentleman is correct.

Mr. RICHARDSON. I thank the gentleman.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. VISCLOSKEY].

Mr. VISCLOSKEY. Mr. Chairman, I rise in support of H.R. 2788, the Department of the Interior appropriations bill for fiscal year 1990 and to compliment Chairman YATES and Congressman REGULA for their fine work on this measure.

Given my position on the National Parks Subcommittee, I would like to focus my remarks on the provisions relating to the National Park Service.

The concept of a national park system is uniquely American. The world's first national park—Yellowstone—was created in 1872 and has since been the catalyst for a movement that has spread to more than 100 countries worldwide.

Our national parks vary greatly in size, from as small as the Federal Hall National Museum in Manhattan to the immense, roadless wilderness of the Arctic National Park in Alaska. Last year, over 366 million people visited our national parks which are located in 49 States and the District of Columbia.

Because our Nation's parks vary in size and character, it is important that we in Congress craft legislation that reflects this reality. I commend the subcommittee for drafting a measure that does so. The subcommittee recognized that budget priorities cannot be based solely on a park's ability to collect fees. If they were, some of the larger and more famous parks would clearly receive the lion's share of funds to the detriment of the smaller, newer parks.

Recognizing that within the Park System, some parks are expanding or are new, the subcommittee has recommended an increase for growing parks and earmarked funds for new parks. I find this policy to be eminently sensible. Additionally, I believe that in this era of fiscal austerity, the subcommittee has sensibly allocated

funds for maintenance and interpretation. Each park is provided with enough to allow for a modest increase, but all increases are conservatively measured.

Due to the ever-increasing popularity of our national parks, the subcommittee had to balance the need to increase Federal assistance with the reality of strict budget limitations. Overall, I believe that they have met this challenge. Where possible, they have tightened the belt and in many cases recommended reductions.

This legislation will help the Park Service to fulfill their mandate to preserve natural and cultural resources for the present and future generations. In conclusion, I urge my colleagues to join me in support of H.R. 2788.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I rise in support of the bill today and in commendation of the gentlemen from Illinois, Ohio, and members of the committee for the fine job that they have done in bringing this bill to Members today.

There has been mention of the fact that we have not had a national energy policy, and that has been true. However, as a member of the U.S. Alternative Fuels Council, which is in the process of being organized, I look forward to working with the administration for the purpose of developing an alternative motor fuels policy and discovering a substitute for fossil-based fuels and petroleum-based fuels by 1992.

The bill provides for full funding of the alternative-fuel vehicle demonstration authorized in the Alternative Motor Fuels Act of 1988. As a strong supporter of the act and a member of the U.S. Alternative Fuels Council, I believe that this is a positive and necessary step toward a better future for the Nation.

For most of my service in the Congress I have advocated a vigorous national policy of research, development, and use of alternative energy sources particularly ethanol-alcohol fuel. Such a policy is essential to this Nation's achievement of energy independence, freedom from manipulation by foreign suppliers of energy, a cleaner more healthy environment, new markets for agricultural products, and maximum generation of private sector job opportunities in the energy field.

This bill also provides an increase in funding for the operation and maintenance for our Nation's fish hatcheries, such as the Mammoth Spring National Fish Hatchery at Mammoth Spring, AR. These fish hatcheries are vital to meeting the national needs for improving fisheries resources, increasing fish supplies available as food sources, and expanding healthy outdoor recreation opportunities. Mammoth Spring National Fish Hatchery is unique among these facilities because the combination of its geographic location and unmatched fresh water supply source makes it

readily usable for the widest variety of hatchery missions.

One of the best things that this bill does is provide strong support of the Land and Water Conservation Fund. This will allow the Nation to more aggressively pursue park land acquisition.

Mr. Chairman, in Arkansas outdoor recreation ranks with agriculture among the State's major industries. More than 16 million persons, an average of 44,000 per day, traveled to Arkansas last year. They spent \$2.1 billion, generating \$96 million in State taxes and \$26 million in local taxes. In the First Congressional District, which I have the privilege of representing, tourism accounted for 6,122 jobs with a total payroll of \$46.2 million. In 1988, visitors to the First District spent \$265 million, contributing \$2.5 million to local tax revenues and \$13 million to State tax revenues.

We believe in programs that promote enjoyment of the great outdoors. We believe that facilities like parks, wildlife refuges, and reservoirs such as Greers Ferry Lake and Norfolk Lake, operated by the U.S. Corps of Engineers, belong to the people.

I hope that in years to come the budgetary situation will allow the Nation to do more in the area of outdoor recreation. This should include establishment of visitor centers at great wildlife refuges such as the White River National Wildlife Refuge in Arkansas and the establishment of more parks, trails and recreation areas to commemorate the historic, cultural, and natural heritage of our Nation.

More than 16 years ago, in 1972, I introduced H.R. 13831, proposed legislation to create a "Huckleberry Finn National Recreation Area" along the lower reaches of the Mississippi River. This bill, which I want to make a part of the record today, was a predecessor of the proposal for a Mississippi River National Heritage Corridor which has been offered by the gentleman from Mississippi [Mr. ESPY], me and a number of our colleagues.

In the opening lines of his book, "Life on the Mississippi," Mark Twain wrote:

The Mississippi is well worth reading about. It is not a common place river, but on the contrary is in all ways remarkable.

I am in complete agreement with Mr. Twain. In fact, I would go further and say that the Mississippi River is in all ways remarkable and well worth protecting and making its wonders available to visitors.

Nearly a century after Mark Twain penned his manuscript, Hodding Carter, another fan of the Mississippi River, in his book "Man and the River" expressed some of the feeling modern day residents of Mid-Continent America have for this natural treasure. In his opening lines, Mr. Carter wrote:

This river beside which I live is made up, think some of us, of the spirit and muscle of God; and, at times, of Satan's own sinews.

For us who know and live and fear and profit from and delight in it, the Mississippi gives reason for great pride—not just that of the people of a rich and powerful mainstream and its valley, but the pride of a man who has become the persistent tamer. For certainly in the history of mankind there is a special place for such conflict between these protagonists, between man and the river, and for old tales and new of courage

and brain and brawn, of men who live beside and deal with the torrent that is in perpetual motion.

This magnificent Mississippi River and its environs have played an integral part in this Nation's historical, cultural, commercial, and recreational development. It can truly be said that this river, which practically runs the length of the Nation, is the thread which unifies the East and West of the United States.

In first proposing the establishment of the Huckleberry Finn National Recreation Area 16 years ago, and in cosponsoring the Mississippi River National Heritage Corridor Act now, I have taken these aspects of the river's role into account. I am convinced that the unique recreational, historical, cultural, educational, and natural qualities of this region can be utilized and developed in harmony with wise commercial use of the inland waterways and stream banks.

Even as I support the passage of the Interior appropriations bill today, I also urge that the Congress respond positively and expeditiously enact into law the Mississippi River National Heritage Corridor legislation.

H.R. 13831, 92d Congress, 2d session follows:

H. R. 13831

A bill to provide for a study of a proposed Huckleberry Finn National Recreation Area on the Lower Mississippi River, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Congress finds that the lower Mississippi River from St. Louis to the Gulf of Mexico is a unique recreation resource; that this area possesses historical, cultural, educational, recreational, and natural qualities which offer manifold opportunities for public enjoyment; that such opportunities should be utilized and developed, in harmony with wise commercial use of the inland waterways and streambanks, to their optimum potential for the full enjoyment of current and future generations.

SEC. 2. In accordance with the findings expressed in the first section of this Act, the Secretary of the Interior, through the National Park Service, is authorized and directed to undertake a study of the Mississippi River, its islands and adjacent lands between the mouth of the Missouri River, Missouri, and the Gulf of Mexico for the purpose of determining the desirability and feasibility of establishing such area, or any part thereof, as a Huckleberry Finn National Recreation Area. The Secretary shall recognize in undertaking the study that certain established land uses are entirely compatible with and complement the objectives of a national recreation area. Not later than two years from the date that funds for such study are made available to him, the Secretary shall submit a report thereon to the Congress, including his recommendation as to the desirability and feasibility of establishing a national recreation area, the estimated costs thereof, and proposed legislation to implement his recommendation.

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Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to support the provisions extending the moratoria on Outer Continental Shelf [OCS] offshore oil preleasing, leasing, and exploration. I commend the Appropriations Committee and Chairman YATES for their fine work with regard to the provision to allow the OCS moratoria to continue.

Just offshore southern California, in the waters surrounding San Diego harbor sits the oil tanker *Exxon Valdez*, a vivid reminder of the dangers and horrors of oilspills to the environment. The Coast Guard believes the *Exxon Valdez* is right now spilling oil into the Pacific Ocean surrounding San Diego Harbor. This is graphic evidence that oilspills can and do happen despite what the industry and the government repeatedly promise and claim. The continued problems and initial delays with the cleanup process and response plan at Prince William Sound prove that we are not adequately prepared to deal with the consequences of any oilspill that may occur, especially one the size of the Alaskan spill. Our initial response time to oilspills, cleanup equipment and technology, and manpower available at any given time of a spill are woefully inadequate at this time. We simply cannot take the chance that a spill will not occur. At the current time, we do not have the technology to clean up a mess that is created by oilspills.

An oilspill only a fraction of the size of the spill from the *Exxon Valdez* at Prince William Sound would be disastrous to the southern California coastline. Loss of marine life and damage to the natural beauty of the coastline may never be restored. This is not acceptable. Our precious environment must be protected, especially when the rewards repeated by some estimates are small. It is believed by many that the oil reserves off the coast of southern California are minimal. Costs to drill may exceed current barrel prices, it may even not be cost effective to drill. I believe we must first tap into our larger oil reserves before even discussing the oil reserves that are in question in the current moratoria.

A spill in the area of my district would not only be harmful to the environment, but would also be devastating to the local economies of southern California. The tourism industry, the largest in San Diego county, would suffer dramatic economic losses. Who would want to visit an oil-stained beach? As a result, the southern California coastal economy and in turn the entire State's economy would suffer a great economic loss. A spill however, is not the only concern of many resort businesses on the coast. Many resort owners and tourist-oriented businesses along the coast believe

that the existence of oil rigs off the shore would significantly hurt their business. Oil rigs seen from the beach certainly enhance neither your property value nor your view of a sunset. To rescind the moratoria could prove to be disastrous to the southern California economy.

Another environmental concern in southern California is air quality. We presently cannot attain Federal standards with regard to air quality, and now the administration, with a clean air proposal in one hand and a statement of official policy opposing the moratorium in the other ask to allow the lease process to continue. We must ask that the administration rethink its position. Operating oil rigs do pollute the surrounding air. Offshore drilling will only add to this already great problem in southern California.

I praise Chairman YATES and many of my California colleagues for their fine leadership in working to ensure that the OCS moratorium continues.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in strong support of this legislation, and I would like to compliment the gentleman from Illinois [Mr. YATES], the gentleman from Ohio [Mr. REGULA], and the gentleman from Massachusetts [Mr. ATKINS], because in this legislation there is a moratorium on lease sales, and specifically prohibiting preleasing and leasing in lease sale area 121. That section of this bill would prevent drilling for oil or gas within 50 miles of the Atlantic coast from Maryland to Rhode Island. It is a very important provision, and when one recognizes that the oil potential in that area is less than 2 weeks' supply for the United States, it makes no sense to take the environmental risk of drilling for that oil in exchange for what could happen to our coast should there in fact be a spill. Without this moratorium, there could have been drilling within 15 miles of the south shore of Long Island.

So in this business of very few "thank yous," I stand here to say, "Thank you, Mr. YATES, thank you, Mr. ATKINS, and thank you, Mr. REGULA. You did a good job."

Mr. Chairman, I hope that the Members support this bill unanimously.

Mr. Chairman, I rise in wholehearted support of the fiscal year 1990 Interior appropriations bill (H.R. 2788).

There is one particular provision included in H.R. 2788 that is extremely important to my constituents. That is the moratorium on preleasing and leasing activities within 50 miles of the Atlantic coast from Maryland north to Rhode Island.

I and a number of my colleagues from Atlantic coastal districts are very concerned about the administration's plans for offshore

oil and gas leasing in the Mid-Atlantic region as proposed in lease sale 121. I greatly appreciate the advocacy for our concerns by the gentleman from Massachusetts [Mr. ATKINS], a member of the Interior Appropriations Subcommittee. I am delighted at the compromise struck by the able chairman of the Interior Appropriations Subcommittee [Mr. YATES], with the cooperation of the distinguished ranking minority member [Mr. REGULA].

The Mid-Atlantic planning area currently under consideration in lease sale 121 includes tracts of ocean floor just 15 miles offshore from my district. This area involves prime fishing grounds for swordfish, tuna, marlin, squid, mackerel, and other species of fin-fish and shellfish that are essential to New York's multibillion dollar commercial and recreational fishing industry. Our oceanfront businesses have already suffered severely from washups of medical waste, raw sewage and other debris. An oil spill in this area could devastate Long Island's beach-related economy and pollute fragile wetlands and barrier islands including the Fire Island National Seashore. Clearly, this area ought not to be under consideration for oil and gas leasing.

By the Interior Department's own estimates, the Mid-Atlantic region is not believed to contain even enough fuel to satisfy U.S. energy needs for 2 weeks, based on current consumption rates. In my judgment, the limited energy resources to be exploited under lease sale 121 do not justify risking the catastrophic environmental degradation that could result from an oil spill in near-shore waters.

I strongly support H.R. 2788, and ask that my colleagues vote in favor of this important legislation.

The CHAIRMAN. The Chair wishes to state that the gentleman from Ohio [Mr. REGULA] has 30 seconds remaining.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just to sum this up, this is a good bill, one that covers a lot of very important areas.

In terms of the moratoria, let me re-emphasize that none of us want to drill everywhere. We want to exclude ecologically significant areas and fragile areas, but we recognize that there is an energy policy need. But I think this is not the proper forum to provide for that. This should be addressed in the authorizing committee, because the present law says we should develop in an environmentally safe way the OCS. That is where it should be handled rather than here.

I think that we run the risk of facing an environmental crisis in terms of our need for oil, and we should not legislate in this way. Let us do it in an orderly fashion.

Also let me point out that this bill includes \$1.2 billion in it for the clean coal technology. That is a very important energy and environmental issue.

Mr. Chairman, this is a tremendously good bill. I urge the Members to support it on final passage.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill, H.R. 2788, providing appro-

priations for the Department of the Interior and related agencies for fiscal year 1990.

I commend the chairman of the subcommittee, Mr. YATES, and the ranking minority member, Mr. REGULA, as well as the subcommittee's fine staff, for producing a balanced, fair bill.

The chairman and ranking minority member have been very responsive to the concerns of the California delegation, and for this we are very grateful.

In particular, Mr. Chairman, I would like to thank the chairman for including \$300,000 for the Bureau of Land Management to conduct a study for the purpose of determining the feasibility and desirability of designating a national recreation area [NRA] within the American River watershed.

It is essential that the study of the national recreation area in the American River watershed be funded in fiscal year 1990 in order for the information to be available to the Sacramento community in the same timeframe as the information generated by two separate studies currently being conducted by the Bureau of Reclamation and the Army Corps of Engineers on options for expanding flood protection to the Sacramento community. The Bureau of Reclamation study will be completed sometime in the summer of 1990 and the Army Corps of Engineers study is expected to be completed in September 1990. The BLM study will be completed by the end of fiscal 1990 as well.

The results of this study are essential for the Sacramento community to make an informed decision about which of the upstream flood control options proposed by the Bureau and the Army Corps of Engineers is most appropriate. The NRA study will generate information that will show the value of the land and other resources that would potentially be either occasionally inundated by a flood control only/dry dam or largely inundated by a multipurpose dam, and I greatly appreciate the subcommittee's support for this provision.

The bill also includes \$2 million for the Fish and Wildlife Service for willing seller land acquisitions for the Sacramento River National Wildlife Refuge. The USFWS has completed the final environmental assessment and concluded that there will be no significant impact to the environment from the creation of the wildlife refuge. Therefore, the USFWS is ready to initiate willing seller land acquisitions immediately.

The purpose of this initiative is to preserve riparian habitat for threatened and endangered species, waterfowl and other migratory birds, anadromous fish, and plants. For example, the wetlands associated with the affected stretches of river are host to the endangered bald eagle. The area also has important fishery resources, including chinook salmon, steelhead trout, sturgeon, American shad, and striped bass.

This funding in fiscal 1990 will enable the Fish and Wildlife Service to continue to make progress on the preservation of wetlands and these critically sensitive habitats along the Sacramento River.

In addition, Mr. Chairman, the bill provides \$1 million from the Land and Water Conservation Fund for willing seller acquisitions for the U.S. Fish and Wildlife Service's proposed na-

tional wildlife refuge in an area of southwestern Sacramento County, known as Stone Lakes.

The Federal contribution to this effort will be matched by local, State and even private funding on more than a dollar-for-dollar basis. For example, the County of Sacramento has already acquired approximately 2,500 acres of the 7,000 acres proposed for the refuge. In addition, the county has \$1.4 million earmarked for new land acquisitions at the site this year. The county is also prepared to do a comprehensive master plan for the area and has committed \$80,000 to that effort. Moreover, the chamber of commerce and local environmental groups estimate that as much as \$1 million will be raised from private sources to make the refuge a reality.

The project has been endorsed by Ducks Unlimited, the Nature Conservancy, California Waterfowl Association, Defenders of Wildlife, Waterfowl Habitat Owners Alliance, and the National Audubon Society. A consortium of local conservation groups has also formed the Stone Lakes Alliance to support the project.

Clearly, this is a good project that has the full support of the local community, and it will be a good natural resource investment for the Federal Government.

The bill also provides \$7 million to implement the Santini-Burton single family lot acquisition program at Lake Tahoe and \$1.4 million for the erosion control program at the lake. We are at a critical time in the efforts to correct the environmental programs at Lake Tahoe, and the continued support of the subcommittee for this program is key to the success of efforts to protect Lake Tahoe from further water quality degradation.

Mr. Chairman, again, this is a good bill, and I strongly urge my colleagues to support it.

Mrs. BOGGS. Mr. Chairman, I would like to take this opportunity to commend the subcommittee and its chairman for their fine work in assembling this legislation under the most trying of circumstances.

I would like to call particular attention to the support the subcommittee has shown for efforts to develop solutions to the loss of wetlands throughout the Nation and, in particular, the serious threats to coastal wetlands in Louisiana. Despite the strong public support President Bush has made in support of developing techniques to prevent wetlands loss, the Office of Management and Budget has been less than forthcoming with substantive support for these efforts.

For example, the Fish and Wildlife Service and the Geological Survey are undertaking important studies of the barrier islands and wetlands along the Louisiana coast. Unfortunately, funds to continue these ongoing studies were not included in the administration's budget request. Fortunately, the subcommittee had the wisdom to recommend restoration of support for these important efforts.

I look forward to working with the gentleman from Illinois in the future on these and other important wetlands preservation efforts in Louisiana.

Unfortunately, I feel compelled to express my serious reservations about one of the subcommittee's major recommendations: the continuation and expansion of the moratoria on

exploration and development of oil and gas resources on the Outer Continental Shelf. In addition to the existing prohibition on exploratory and drilling activity off the coast of California, this bill would ban prelease activities as well. The prelease phase is involved in many of the important environmental assessment and consultation activities that are important to both sides of the OCS leasing issue. It is during this period that scientific and environmental data are collected on the proposed sale as part of the EIS process. It is also during this phase that State officials and the public at large have an opportunity to comment on the proposed lease sale.

Because the prelease phase of the process is a 26-month-long period of information gathering with certain mile posts mandated by statute and regulation that must occur before any sale can occur, prohibiting prelease activities has the effect of imposing a 2-year moratorium rather than the 1-year moratorium the subcommittee has included in the past. This is counterproductive and obstructionist.

The Interior Department has already voluntarily suspended prelease activities during the review by the President's OCS Task Force. Unless the intent of the prelease prohibition is to prejudge or preempt the task force's findings, then the new prelease moratorium is unnecessary.

I want to make certain everyone here understands the cost of the California leasing moratoria. The total bonus revenues expected to be received by the U.S. Treasury from the five areas covered in fiscal year 1990-91 are projected to be \$480 million. Although the loss of these revenues are not scored against the Appropriations Committee because of some creative scorekeeping, blocking these leases will mean the loss of a half billion dollars in revenues to the Treasury.

It is also worth noting that OCS revenues are the source for most of the Land and Water Conservation Fund and the historic preservations programs.

I share the anger and frustration we all feel about the recent oil spills and the critical shortcoming of the response effort in Alaska, but I urge everyone to make the distinction between tankers and OCS drilling. Fifty percent of the oil we consume is brought to the continental United States by tankers. They carry oil to Long Beach, CA, New Jersey and Louisiana—through the Florida Straits—for refining. Most OCS oil and gas comes ashore via pipeline.

OCS oil spills have been very rare. With more than 34,500 wells drilled, the 1969 Santa Barbara blowout was the only one in which a significant quantity of oil was spilled. Only 11 spills of 1,000 barrels or more have occurred in the past 25 years. Oil spills of one or more barrels during 1975-86 totaled less than one-thousandth of 1 percent of more than 3.9 billion barrels of OCS crude oil and condensate produced.

If we do not increase our reliance on domestic hydrocarbons, then we must turn to overseas sources of petroleum. This means greater reliance on tankers to transport imported oil and greater reliance on OPEC as the source of that petroleum. If we want to reduce the risk of tanker spills, further moratoria on OCS exploration and production is not

the way to do it. Let's develop our domestic offshore resources and protect our coasts from future tanker disasters.

Despite my serious reservations about the offshore leasing provisions, I believe this is a good bill, taken as a whole, and I urge its passage.

Mr. IRELAND. Mr. Chairman, I want to express my appreciation to my colleague, Sid YATES, chairman of the Appropriations Subcommittee on Interior and Related Agencies, for his leadership in bringing H.R. 2788, Interior and Related Agencies Appropriations for Fiscal Year 1990, to the floor today.

For several years now, I and other Members of the Florida delegation, have expressed our continuing concerns about the Department of the Interior's plans to proceed with offshore oil leasing and drilling in areas off the Florida's gulf coast. Such activities provide a serious threat to not only the unique environmental resources inhabiting these areas, but also to the economic livelihood of residents who depend on fishing and tourism. As many of you know, tourism continues to be Florida's No. 1 industry.

The oil spill in Valdez and the three most recent accidents, of lesser magnitude, but of no less concern, have demonstrated that our oil industry does not have the technology to clean up gallons of gooey glop in any effective or satisfactory way. The environment in Alaska could take more than a decade to recover and some of the natural habitats may never return. If nothing else, we learned from Alaska's unfortunate experience that the risks are too great.

The President has recognized the environmental sensitivity of these areas by administratively delaying leasing and drilling in this area until a task force which he established can study and report on these areas. The results of this investigation, however, are not due until January 1990, or perhaps later.

Consequently, the subcommittee and full Committee on Appropriations recognizing the concerns as well as the commitment of the people of Florida to protecting its vital natural resources included a 1-year moratorium on oil and gas leasing and drilling in the eastern Gulf of Mexico south of Naples. The State of Florida and its congressional delegation fully support these provisions and I urge my colleagues in the House to support H.R. 2788.

Ms. SCHNEIDER. Mr. Chairman, I want to praise the work of Chairman YATES and his colleagues on the Interior Appropriations Subcommittee for exercising some leadership by increasing the Department of Energy's budget for energy conservation research and development from \$153 million in 1989 to \$195 million for 1990. This 27-percent increase is long overdue, and takes the budget a step closer to being commensurate with the R&D opportunities that remain untapped.

As the chairman knows, I have repeatedly testified before his subcommittee on this very issue, sharing the multiple reasons why energy efficiency R&D should comprise a substantially larger fraction of DOE's civilian R&D budget than it's current few percent. A strong case has been made that energy efficiency R&D should receive at least as much funding as the other major energy resource R&D programs such as nuclear fission—\$603 million

passed by the House for 1990, not counting \$145 million for a demonstration of atomic vapor laser enrichment technology—fusion, \$289 million, or fossil fuels, \$423 million passed by the House for 1990, not including \$635 million for clean coal demonstrations.

The arguments in support of substantially higher funding are based both on the past successes of energy conservation generally, and Federal energy conservation R&D programs, specifically, as well as the potential savings that remain to be tapped in the decades to come. Energy efficiency improvements since the 1973 Arab oil embargo now deliver the equivalent of one-fifth of United States energy services. These investments raised the energy efficiency of millions of buildings, vehicles, appliances, commercial equipment and manufacturing processes, saving the American economy an impressive \$150 billion per year. The efficiency measures also are displacing 14 million barrels of oil per day—twice today's foreign oil imports.

Federal energy conservation R&D programs have played an instrumental role in developing and spurring these energy savings. A 1988 report by the American Council for an Energy Efficient Economy [ACEEE] found that taxpayers are rewarded handsomely for their investment in energy conservation research. In seven of the most successful research efforts, an expenditure of \$16 million is spurring cumulative savings of \$68 billion for consumers over the next 25 years. This represents a staggering payback of 4,400 to 1 for the taxpayers. If just these seven programs had to justify all Federal expenditures ever spent on energy conservation R&D, it would still represent a 50 to 1 return on the taxpayers' investment.

According to both Government and independent analyses, additional efficiency savings of several hundred billion dollars per year remain to be captured. Federal R&D and technology transfer will be critical to achieving these savings.

This enormous savings potential is important to achieve for several key reasons: spurring productivity; enhancing energy security; and resolving a number of serious environmental problems such as acid rain and global warming.

In the case of productivity, it would do us well to reflect on that fact that it still takes the United States twice as much energy to produce a dollar of gross national product than it does Japan and some West European nations. If we are serious about improving our competitive edge, then we should be moving aggressively on the energy efficiency opportunities before us. Japan is serious, achieving annual efficiency gains nearly twice the level of the United States over the past decade, and looking to cut their energy consumption per unit of GNP in half over the coming decade or two.

In the case of energy security, we need to overcome our complacency about the rising tide of foreign oil imports, which could comprise over half of total U.S. oil use within the next few years. DOE has warned the Congress of the economic disasters that could result from such dependency, since OPEC has raised prices whenever it has historically

exceeded 80 percent of pumping capacity. Foreign oil imports already constitute over \$40 billion of our trade deficit, and could be double that figure within the decade.

In the case of environmental quality, it is a too little appreciated fact that energy efficiency has played a critical role in gaining us cost-free environmental benefits. Over the past 15 years, efficiency investments have led to a 50-percent reduction in carbon-dioxide, sulphur-dioxide, and nitrogen-oxide pollutants compared to what they would have been otherwise.

Studies such as ACEEE's "Acid Rain and Energy Conservation" have shown that energy efficiency can play a pivotal role in achieving the 50-percent reduction in acid rain emissions called for in congressional legislation, while at the same time cutting consumers' utility bills and/or improving the cash earnings of utilities. Similarly, studies such as the global energy efficiency report, "Energy for a Sustainable World," show how cost-effective efficiency investments could prevent a tripling of carbon emissions over the next 40 years, while at the same time accruing eventual savings in excess of \$500 billion per year!

A strongly supported, vigorous energy efficiency R&D program is essential to achieving these manifold benefits. My pending legislation, the Global Warming Prevention Act (H.R. 1078), currently cosponsored by 135 Members of the House, proposes just such measures. Your action on energy efficiency is clearly consistent with this effort. Again, I thank the chairman and the subcommittee for such foresighted action, and encourage you to continue this trend in next year's budget by providing energy efficiency R&D with at least 10 percent of the energy R&D budget.

Mr. KILDEE. Mr. Chairman, I rise in strong support of the House Interior appropriations bill for fiscal year 1990, and I want to commend the chairman of the House Interior Subcommittee, Mr. YATES, for the excellent job he has done in preparing this bill for consideration by the House today. In this day and age of tight budgets, it is indeed a most difficult task for a chairman to put together a package of fiscally sound and socially responsible programs. Yet year after year, Chairman YATES has shown his determination and integrity by bringing intellectually honest appropriations bills to the House floor.

Mr. Chairman, in President Bush's State of the Union Address, the President recommended a \$50-million increase in land acquisition moneys from the land and water conservation fund. I want to commend the President for his acknowledgement of the need for land acquisition moneys to preserve our Nation's natural resources—a need which, unfortunately, was widely ignored by the previous administration. Only through the courage and foresight of the Congress, led by Chairman YATES, did the Land and Water Conservation Program serve as a useful tool in the last 8 years.

Mr. Chairman, the bill before the House today contains a number of provisions that will help protect and enhance many precious natural resources in my home State of Michigan. I want to thank the chairman for working with me to improve the quality of life for the residents of my State, and all those who visit the great State of Michigan. This legislation con-

tains \$3.5 million for the public acquisition of Grand Island, MI. Located in Lake Superior in the Upper Peninsula of Michigan near the city of Munising, this 13,500 acre island is one of the most beautiful parcels of land in our State. Grand Island is a host to a diversity of fragile flora and fauna that warrants Federal protection. The island contains the largest beaver-formed lake in the United States, and is home to a wide array of endangered plant species including various orchids, ferns, and trillium. Moreover, the wildlife community includes black bear, hawks, and bald eagles. Many people have suggested that Grand Island would be the optimal site for the reintroduction of the peregrine falcon in Michigan.

The history of this island is just as rich as its natural resources. The French explorer Radisson, who came to the area in 1650, found the Ojibway Indians living on an island they called "Kitchie Minis." Radisson translated this as being "the grand islands." When Henry Schoolcraft went on an expedition to locate the source of the Mississippi, he landed on Grand Island in 1820. He wrote extensively of a young Chippewa hero who sang the exploits of his people. It was Schoolcraft's account of Grand Island that inspired his friend, Henry Longfellow, to write his epic American poem "Song of the Hiawatha," in which he expounded upon the unbroken forests, the soaring cliffs, and the sloping silvery beaches of Grand Island.

Mr. Chairman, when the House Subcommittee on National Parks and Public Lands held hearings on legislation to authorize the purchase of Grand Island, the Chief of the U.S. Forest Service, F. Dale Robertson, testified in favor of Federal acquisition of Grand Island, the first time in several years that a Federal lands agency had testified in favor of new land acquisitions. I believe that this is a tribute to the remarkable characteristics of Grand Island and I want to thank the committee for earmarking moneys for the acquisition of the island.

In addition, this bill includes \$500,000 for the acquisition of lands along the federally designated Pere-Marquette National Wild and Scenic River. For several years now, the U.S. Forest Service has been trying to buy privately held lands, on a willing-seller basis, along the Pere-Marquette River. Unfortunately, funding has not been made available to the Huron-Manistee Forest Service to begin the land acquisition process. Since the Forest Service has been unable to provide basic user facilities on the Pere-Marquette River, there has been a tremendous amount of pollution and erosion along the river corridor.

Finally, the House Interior appropriations bill for fiscal year 1990, contains \$2 million for the renovation of the Platte River Campground located at Sleeping Bear Dunes National Lakeshore. This popular campground facility has suffered from severe neglect over the years and is now a safety hazard to the thousands of campers who stay at the Platte River facility. Many of the sanitation facilities, roads, and campgrounds are in decrepit conditions and are in need of urgent repair. By earmarking \$2 million in construction moneys for this project, the Congress has ensured that this beautiful campground will continue to be used in a safe and healthy environment.

Once again, I want to commend the chairman and the members of the subcommittee for drafting a bill that will protect and enhance our Nation's natural resources for generations to come.

Mr. WELDON. Mr. Chairman, I rise today in strong support of H.R. 2788, the Department of the Interior appropriations bill. I think this is an excellent bill, which addresses many of the important environmental concerns of our Nation. Of particular interest to me in this bill is the \$1 million which was granted by the subcommittee to the Tinicum National Environmental Center, in Tinicum, PA, so that a visitors' center might be built there.

I would like to congratulate the gentleman from Illinois [Mr. YATES], chairman of the Interior Subcommittee of the Appropriations Committee, and the gentleman from Ohio [Mr. REGULA], the ranking minority member of the subcommittee, as well as the gentleman from Mississippi [Mr. WHITTEN], chairman of the full committee, and the gentleman from Massachusetts [Mr. CONTE], ranking minority member of the full committee, on their superb job in creating new openings for important programs such as Tinicum.

Tinicum provides a safe refuge for many different kinds of fish and waterfowl which would have nowhere else to go in the southeastern Pennsylvania area. The refuge is located between Philadelphia National Airport and Interstate 95, and is one of the last sanctuaries these animals have from the invading urban sprawl. It is the only wetland refuge on the east coast in an urban area and is the largest freshwater tidal marsh in the State of Pennsylvania.

Construction of the center will make Tinicum much more attractive to visitors, allowing greater education for people about those species harbored in the Tinicum Refuge. Tinicum has been authorized to receive this funding for several years, but little of that money has been appropriated for construction of facilities. This appropriation would help remedy the years of neglect which Tinicum has endured.

Secretary of the Interior Manuel Lujan was scheduled to visit Tinicum recently. Unfortunately, his visit had to be canceled by the recent outbreak of oil spills—accidents which only serve to reinforce the need for places like Tinicum, places which provide a safe haven to wildlife. I would like to invite Secretary Lujan to reschedule his trip to Tinicum, and I strongly encourage all of my colleagues in the House to visit the facility the next time they are in the Philadelphia area.

Mr. McDADE. Mr. Chairman, I rise today in strong support of H.R. 2788, the Interior and related agencies appropriations bill. This important legislation funds the Department of Interior, the Forest Service, Indian education and health, and conservation and research programs of the Energy Department.

The legislation before us is the product of extensive hearings by the Subcommittee on Interior under the outstanding leadership of Chairman SID YATES and Vice Chairman RALPH REGULA. They exerted great foresight and the utmost care in drafting a bill that both complies with our fiscal restraints and realistically addresses our Nation's current and future needs. This bipartisan legislation can be

enthusiastically supported by Members from both sides of the aisle.

On a fiscal level, the bill is within the section 302(b) allocation for both discretionary budget authority and outlays. The bill provides a total of \$11.1 billion in fiscal year 1990 for the Department of the Interior and related agencies programs. This compares with the administration's \$8.618 billion request and the fiscal year 1989 \$10.2 billion appropriation.

Members should be aware that the Interior bill, unlike most other appropriations bills, in large part pays for itself through revenues generated by the Interior Department and other agencies represented in the bill. Receipts to the Treasury from timber leases and mineral and oil development are estimated to reach nearly \$7.7 billion during the coming fiscal year.

The bill we have before the House today provides the wherewithal to carry out some of our Nation's highest priorities. It enhances our energy future with the funding of conservation programs, fossil research and the strategic petroleum reserve. It advocates a cleaner environment through the Federal Clean Coal Program and important research to combat acid rain, global warming, and air quality problems.

I will proudly vote for passage of this legislation, but I am in disagreement with the expanded moratoria on offshore oil and gas leasing. Development of domestic energy resources is vital to our economic and national security interests. Our environment must be protected through Federal safeguards, but I believe our overall interests are not served by placing valuable oil and gas reserves off limits and increasing U.S. dependence on foreign oil.

Our natural resources are protected in H.R. 2788 through the funding of the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, the U.S. Forest Service, the Geological Survey, Minerals Management Service, Bureau of Mines and Office of Surface Mining. I am particularly pleased that the bill includes a 5 to 10 percent across-the-board raise for operations budgets for each National Park Service unit.

One of the highlights of the bill is the provision of \$220 million for the land and water conservation fund. The fund is used to meet recreation needs, provide open space, enhance wildlife habitat and preserve unique natural features of this country. The President is to be commended for his leadership in making this program an administration priority.

The bill also provides for the Nation's cultural, intellectual and educational needs with adequate funding levels for the Smithsonian, National Gallery of Art, Woodrow Wilson International Center for Scholars, National Endowment for the Arts, National Endowment for the Humanities, Institute of Museum Service, Commission of Fine Arts and Advisory Council on Historic Preservation.

I urge my colleagues to support the Interior appropriations bill. It is balanced, bipartisan legislation which provides for the stewardship of our public lands, responds to our energy needs, respects the environment, protects our natural resources and preserves our cultural heritage.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 2788, the annual appropriations bill for the Department of the Interior and related agencies during fiscal year 1990.

The principal cause for my dissatisfaction with H.R. 2788 are provisions relating to the National Park Service system generally, and Acadia National Park in Bar Harbor, ME specifically. At heart, these provisions put Acadia in an unfair and untenable situation.

In 1987, legislation was enacted into law that established a formula for dispensing fees that certain national parks collect from those individuals visiting or using their facilities. Under this law's provisions, the formula provided that national parks collecting fees would be entitled to 50 percent of the fees they collected; 40 percent of the fees would be used for all national parks within the Service's system; and the remaining 10 percent of these moneys were subject to the discretion of the National Park Service's Director.

While I, and other Members of the Maine congressional delegation, were concerned about this matter, in the end we decided to support this formula with the hope that it would ultimately provide Acadia National Park with increased funding to meet its burgeoning needs.

Unfortunately, last year, this formula was abandoned. As a result, Acadia was given only \$170,000 of the \$535,000 that it was entitled to under the law. The \$365,000 in fees that Acadia did not receive was diverted instead to the National Park Service's general maintenance funds.

Yet, Acadia's need for additional funding is very acute. It is a small park with a unique history, and is under enormous strain. Acadia is one of the Nation's most heavily visited park, with roughly 4.7 million individuals having toured the park last year. This year, officials at Acadia expect a 20-percent increase over that figure, and long-term estimates project that, by the year 2000, Acadia will be hosting 6 million visitors.

Given the strains that the ever-increasing number of tourists, campers and visitors are putting on the park's facilities, it is imperative that funding for Acadia be increased. Indeed, if Acadia was allowed to keep 50 percent of the fees that it collects on an annual basis, as originally intended by the 1987 legislation, this would provide the park with a total of roughly \$600,000 in needed financial assistance.

Regrettably, this year, the Appropriations Committee has again adopted a new formula for dispensing user fees collected by national parks that still does not allow Acadia to keep a fair share of the fees that it collects.

H.R. 2788, as approved by the committee, provides that all national parks will receive only between 5 to 10 percent of their operating budgets from these fees. This approach poses real and serious harm to Acadia, because its operating budget is \$1.5 million, which would make it eligible for, at the most, only \$150,000 in fiscal year 1990 funds. This is even less than last fiscal year's \$170,000; meanwhile, the park is experiencing a 20 percent growth in visitors.

As this Interior appropriations bill winds its way through the legislative process, I sincerely hope that these legitimate concerns about the funding needs of Acadia National Park can be

resolved. If so, then I currently see no reason not to support this measure on final passage. That is not the case now, so I must oppose the legislation.

Mr. RAHALL. Mr. Chairman, I am in support, albeit for the first time in the 13 years I have voted for the Interior appropriations bill, somewhat tempered support, for this legislation.

For those of us representing natural resource dependent regions of the country, this is, of course, an extremely important appropriation measure. The funding made available under H.R. 2788 for everything from the Health, Safety and Mining Technology Program of the Bureau of Mines and the abandoned mine reclamation fund at the Office of Surface Mining to the ability to manage units of our National Park System and engage in federal fish hatchery operations is extremely important to my congressional district.

In southern West Virginia, we continue to face a great many adversities. We have a natural resource development based economy. And, with this dependency on mining, comes a certain degree of health, safety and environmental concerns as well as the economic uncertainties which have always been associated with coal production in the Appalachian Region.

We are, as such, attempting to diversify and to move toward obtaining economic benefits through the conservation of some of our most outstanding natural, scenic, recreational, cultural and historic resources.

For this reason, I worked over 10 years ago to gain the establishment of the New River Gorge National River, and just last year, two other units of the National Park System, the Gauley River National Recreation Area and the Bluestone National Scenic River, as part of the West Virginia National Interest River Conservation Act.

Under the years of the Reagan administration, a philosophy was implemented to starve units of our National Park System of the types of resources necessary to maintain their integrity. As such, at the New River Gorge National River we did not seek fancy visitor centers or other types of infrastructure improvements many in this country expect from their national parks. Instead, we had to struggle with the very basics. And I means the basics. Such as devising the management plan, putting up signs and more importantly, acquiring land within the boundaries of the park unit so as to protect it from mining and timbering operations.

As such, 11 years after the establishment of the New River Gorge National River we have yet to complete the park headquarters, an appropriate visitors center and have acquired only about 55 percent of the land within the river gorge.

It was for this reason that after the long years of the Reagan administration antipark policies, I applauded President Bush's decision to request from the Congress an appropriation for park land acquisition funds. For the New River, the administration requested \$2.5 million for this purpose.

But what did the Appropriations Committee see fit to do? It deleted this funding.

Now, I can understand that certain legislative tactics are being employed. That is fine

and good. But what is not good is for the committee to go so far as to delete basic funding requested by the administration for the New River Gorge National River. This is overkill, in the view of this Member.

Hence, while there are many excellent aspects of this legislation, and I cannot stress this point enough, I must say to the chairman of the Subcommittee on Interior, my very good friend Mr. YATES, that it was with great disappointment that I viewed this deletion of land acquisition funding for the New River. The gentleman has done a superb job on the many other aspects of this bill that we have a mutual interest in. His recommendations on the Bureau of Mines, the U.S. Geological Survey, the Minerals Management Service and the Office of Surface Mining are excellent. I commend him from this, and I will support his bill for these reasons. However, I would only ask that due consideration be given to our struggle to preserve our natural resources in West Virginia so that we in the Appalachian region may seek a better future.

Mr. LEWIS of Florida. Mr. Chairman, I stand before you in continued support of the moratoria for oil and gas leasing off the coast of Alaska, all of California, and the Florida coast.

Mr. Chairman, the Florida delegation has continually supported this moratoria because of the problems that could be brought by drilling and research off the Florida coast. This concern has been heightened by the recent oil spills in Alaska, California, Texas, Rhode Island, and New Jersey. Florida's delicate environment simply cannot support such a disaster.

Mr. Chairman, when you look at the State of Florida with the prevailing southwest winds and the tidal action from the gulf stream, if a major oil spill were to happen on the Florida coast, it would have a devastating impact on our beaches, as well as the environmentally delicate everglades area. The wave action on the gulf side would have the same effect on the beaches and the rich gulf fishing areas.

I hope that the Presidential task force researching the impact of oil and gas leasing off the coast of Florida and California will come to the same conclusion most of us have already reached. That is, that Florida's shoreline, Florida bay, the Florida keys, the life giving mangrove swamps, our estuaries and our beautiful everglades could not withstand a spill a fraction the size of the Valdez spill. Something of that magnitude could kill life as we know it in south Florida.

Mr. Chairman, I ask my colleagues to support the moratoria in H.R. 2788 on oil and gas leasing. Within the next year I hope you will join me in support of a long term commitment to protecting our coastal areas.

Mr. TOWNS. Mr. Chairman, I want to express my wholehearted support for the full funding of the arts and humanities endowments as reported by the House Appropriations Committee. While I have certainly been concerned about equitable funding opportunities for minority artists, writers, and scholars, I feel that the recent criticisms of NEA-funded projects almost border on artistic censorship. A recent letter from many of my constituents addresses this issue very directly. I have included portions of this letter for the RECORD. I am hopeful that this body will uphold the prin-

ciple of artistic freedom by opposing any effort to reduce funding or to censor projects supported by the endowments.

We in the United States must recognize that the arts is an area where experimentation is especially important. All NEA grants are currently matched with private funds ensuring direct community approval and support. Though many arts institutions receive public funds, they are for the most part, private institutions. Obviously, arts institutions which receive public funds should make responsible choices. But by the same token these same institutions must be responsible to the artists they present who deserve the freedom to experiment. In order to properly meet both duties, arts institutions must at times take the risk of offending some in the public. Challenging and quality arts presentations take that risk and the public and its Representatives in Congress must be willing to support freedom. Otherwise arts presenters will be forced to bend to every public and governmental demand and their independence will be threatened. To insist that arts institutions present works which will offend no one leads to self-censorship and banality. This is something we as Americans cannot afford to condone. I believe we must trust the quality and judgment of our arts institutions which are supported by a peer panel system at the NEA. This quality and artists excellence is strengthened by public funding, as is evidenced every day in towns and cities across the country.

Mr. KOSTMAYER. Mr. Chairman, I rise today to commend the Committee on Appropriations and in particular the chairman of the Interior Subcommittee, Mr. YATES, for their outstanding work in bringing before the House the fiscal 1990 Interior Department appropriations bill.

As usual, Mr. YATES has been able to strike a balance between the limitations imposed by current budget constraints and the need to protect our Nation's heritage of open space, clean water, and clean air.

In particular, I want to thank the committee for including \$350,000 in the bill to begin implementation of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988—Public Law 100-692.

That bill, signed into law, November 18, 1988, which the House will fund today, was cosponsored by my colleague, the gentleman from Pennsylvania [Mr. RITTER]. The legislation designates the Delaware and Lehigh canals as a National Heritage Corridor, thus establishing a new partnership between the Federal Government, State, and local governments and the public to preserve, renovate and rehabilitate the historic Delaware Canal.

The appropriation provided by the House today is the first of a 5-year \$350,000 annual authorization for operating expenses of an unsalaried 21-member commission charged with developing a master plan for the permanent protection and preservation of the canal.

The plan, which will have to be completed within 24 months of enactment, will include an inventory of any property in the corridor which should be preserved, restored, managed, developed, maintained or acquired because of its national historic or cultural significance; provide a plan to interpret the history of the canal and its surrounding area; recommend policies for environmental protection of the

area; and detail the ways in which Federal, State, and local efforts may best be coordinated.

The new plan would take into consideration existing management plans already prepared by "the friends of the Delaware," a citizen organization committed to the canal's protection and preservation.

The commission's members, 16 of whom would be local residents shall for the first time forge a local consensus for a comprehensive plan to save the threatened Delaware Canal.

Under the bill, the National Park Service is required to assist the commission in designing and producing interpretive materials. It is also required to inventory the corridor, to identify other sites eligible for national historic designations, to help identify alternative funding sources, and upon the request of the commission, to provide technical assistance during preparation and implementation of the plan.

Mr. Chairman, today begins a new chapter in the history of the Delaware Canal. The people of Pennsylvania thank the members of the Appropriations Committee and the Members of the House. Congress has taken another important step to ensure that this important historic, cultural, and recreational resource is not lost to the people of Pennsylvania or the Nation.

I have toured both the area around the Delaware Canal and the Lehigh Navigation Canal National Heritage Corridor and have found the people of the region to be strongly supportive of this legislation. I am thrilled that the action of the Interior Subcommittee of the Appropriations Committee today will initiate this long overdue project and provide us with another piece of our historic legacy.

Mr. Chairman, on another matter, I would also like to say that there is one area of the bill that I hope we can significantly improve upon in the future—that is, the Land and Water Conservation Fund. In particular, I am concerned with that part that was conceived and has functioned as a partnership with the States. The Congress, since 1981, has kept that partnership alive, but barely so, in the face of personal opposition from such former officials as Interior Secretary James Watt. The Congress has also appropriated funds for scores of Federal areas authorized or expanded by this and earlier Congresses.

The reason that I raise the issue of the LWCF State assistance program is that I believe we are at a critical point in terms of policy and funding. In terms of policy, there is an increasingly large number of us who believe that we need to strengthen the existing Fund by creating, as the record reveals Congress originally intended, a self-sustaining trust. We must bring a greater degree of predictability to this program, especially if part of the effort is to encourage other governments to devise their own fiscal strategies.

Regarding both policy and funding, I was delighted to hear the President say that he was going to reverse his predecessor's position by supporting an appropriation from the Fund. I was even more pleased to hear that he urged attention to park and recreation resources that would be accessible to urban residents. But I was greatly distressed to learn that the President was proposing to, in the ad-

ministration's terms, "forego" the State and local partnership until all Federal areas were fully acquired. We need to be very sensitive to the commitments we have made, or implied, to those living within authorized Federal areas. But this sensitivity should not transcend all other fully legitimate recreation needs of society.

The subcommittee has, in part, rejected the administration's principle by recommending to us an appropriation of \$16,700,000 for State and local assistance. In the future, it must be rejected much more emphatically. Ironically, James Ridenour, the new Director of the National Park Service, seems to agree. Addressing a meeting in Hershey, PA, on June 15, Director Ridenour said of the Fund:

I am a firm supporter of the Land and Water Conservation Program and always have been. I think it is one of the best programs I have ever seen in the terms of the way it is operated and honestly * * * I am very pleased that the President include two hundred and ten million dollars for land acquisition.

Mr. Chairman, the Land and Water Conservation Fund on September 4, 1989, will be 25 years old. This body in April, 1987, voted overwhelmingly—401 to 5—to extend the LWCF act unchanged.

We tend to deal frequently with crises. We have a quite crisis in land use; and a not so quiet social crisis in soaring health costs and antisocial behavior. Parks and recreation at least soften these impacts, and many argue that they can be a large part of the solution. Today we have taken a small step in that direction.

Mrs. LLOYD. Mr. Chairman, I rise in support of the fiscal year 1990 appropriations bill for Interior and related agencies. Of particular interest to our Committee on Science, Space, and Technology are the appropriations for the Department of Energy's programs of clean coal technology, fossil research and development and energy conservation R&D. I am pleased that this bill reflects what I believe to be healthy funding levels for the programs.

Years of inadequate funding levels for the fossil and energy conservation programs has lessened the impact of our research investment in terms of our ability to compete in the global marketplace or to transfer our technologies at home. Restoring the programs to reasonable levels as the Appropriations Committee has done is a welcome and beneficial change.

I want to mention two programs that our committee has supported and that support is reflected in this bill. The committee has added \$42 million for the MHD Program. The administration has consistently attempted to halt the ongoing research efforts at a crucial time in the technology development. The program is moving forward and I believe we should continue our support. In the energy conservation program, I am pleased that the Appropriations Committee has provided an additional \$15 million for the steel initiative, a program authorized by our committee last year.

Our continued energy security deserves a rational investment in research and development. I applaud Chairman YATES for bringing this bill to the floor and I urge my colleagues to support the legislation.

Ms. SCHNEIDER. Mr. Chairman, the legacy that we will leave to future generations can best be determined by looking at the contributions from past cultures that we treasure today. Works of art, from prehistoric times and ancient Egypt, from Renaissance Europe and colonial America, are reflections of the cultures on which our own is built. It is an appropriate role of the Government to support artists and their work. What we fund today will, in part, make up the treasures of future generations.

The Interior appropriations bill that we are considering today contains funding for the National Endowment for the Arts at a level that fails to match inflation. This is a reflection of the difficult budgetary problems that we face. Our support for the National Endowment for the Arts also has been complicated by the recent controversy over two exhibitions that the NEA has recently funded.

I have not personally viewed either of these projects, yet I feel that art without controversy is reflective of a society without controversy; a society in which divergent views are not tolerated. When future generations recall 20th century America, I hope that we will be remembered as a culture that encouraged divergent points of view—in art, in politics, in philosophy—indeed, in every facet of our society. This is not the same as giving equal value to every point of view, or giving equal support to every work of art. It is allowing an educated public to select from the best that its citizenry can create. We do this, not through censorship nor by cutting Government funding for truly worthwhile programs. We do it by encouraging diversity, by broadening the public exposure to this diversity, and by developing the critical skills of a public that is capable of intelligent choices.

Mr. Chairman, I support full funding for the National Endowment for the Arts and I commend the excellent record it has amassed in carrying out its charter. I am confident that the dedicated individuals at the National Endowment for the Arts, who have a role in the stewardship of our Nation's art, will continue to provide programs that seek an appropriate balance of public acceptance and artistic freedom.

Mr. MILLER of Washington. Mr. Chairman, I rise in reluctant support for the actions of the Appropriations Committee to declare moratoria on lease sales issued off the coasts of the United States.

I do not like the concept of placing moratoria in appropriations bills. This is clearly a stopgap effort, an act of last resort. An action that makes sense only because we lack a national energy policy.

Mr. Chairman, last session, our colleague Congressman CARPER and I proposed a national energy policy study plan. We offered this proposal as an amendment to Chairman JONES' bill on the Arctic National Wildlife Refuge. My problem, Mr. Chairman, is that we are trying to make decisions on our Nation's energy future without a road map. A national energy plan which addresses our need for petroleum, renewable energy resources and conservation can help guide us to a politically secure and environmentally responsible energy policy. Without a national energy policy we face a perpetual battle between those who

want no drilling anywhere and those who want drilling everywhere.

What we need is a thoughtful analysis of the options. If we do not allow drilling in one area, are we pushing development to another area which may be more environmentally sensitive? If we do not allow more development, are we dooming our Nation to importing more oil? If we only think of energy in terms of petroleum are we ignoring conservation or renewable energy sources? These questions need to be answered in one report which allows this Congress to make informed decisions.

Mr. Chairman, let me say, President Bush has addressed some of our concerns by asking for a full environmental impact statement on drilling off the coast of California. He should extend the same protection to the coasts of Washington State. Last December and January, we saw what the damage spills can do to those scenic beaches.

In the Pacific Northwest, we have seen how a policy based on least cost planning can take a region off the energy supply roller coaster which led to WPPSS. We are off that roller coaster today in the Northwest. Mr. Speaker, with a national energy policy, like the one we suggested last session—and if we consider ANWR legislation again, we will offer our amendment again—we can take our Nation off the energy roller coaster and provide a meaningful track for development which allows us to decide the wisest and safest sources of energy.

Like many of my constituents, I am concerned about drilling off the coast of Washington. And, I want to make sure we approach that possibility as carefully as any place else in the country. With that in mind, I'd like to express my support and call attention, Mr. Chairman, to a point in the committee's report. The committee states "off the coasts of Washington and Oregon, environmental studies must be identified, completed and analyzed in advance of the initiation of the formal lease process", and that draft and final environmental impact statements must be made before any leasing. As a Representative of Washington, I applaud these points and the obvious care being shown for the welfare of my State.

I urge my colleagues to support the Appropriations Committee.

Mr. RICHARDSON. Mr. Chairman, the NEA benefits the American people by supporting the arts from the local to national level. Every State in the Union is a beneficiary of the National Endowment's programs. In fiscal year 1988, my home State of New Mexico's arts programs benefited from nearly \$3.5 million in arts endowment grants. Such grants benefited a project which restores and preserves historic adobe churches, the New Mexico Symphony Orchestra, the Santa Fe Opera, and several programs in the folk and Indian arts.

While this past year there has been controversy regarding a grant by the Southeast Center for Contemporary Art, which was partially funded by the NEA, the Endowment's history demonstrates a high degree of scrutiny is applied to its proposals. In its 25-year history, the NEA has made over 80,000 grants—less than 20 of these have been called into question.

I would like to commend Chairman YATES for including strong language in this legislation which strengthens the review process for endowment subgranting. The present language addresses the need for greater scrutiny without jeopardizing the funding which supports such worthy arts programs as public television shows, university arts projects, and community theatre.

Mr. Chairman, cutting the NEA's funding over this issue is as misguided as attempting to cure a headache with decapitation. We should support Chairman YATES and the committee's efforts to improve the National Endowment's review process. Chairman YATES' program for increased accountability is workable, responsible, and deserves our support.

In 1981, the Presidential Task Force on the Arts and Humanities strongly endorsed the panel review system which is used by the Endowment. Under this system, nearly 600 panelists review grants before forwarding them to a Presidentially appointed council for final approval.

The issue here is one of accountability—of assuring that a process is in place to assure that there is no breach of the Endowment's mission to benefit the American people by supporting the arts in their communities. The present language does exactly this.

Mr. JONES of Georgia. Mr. Chairman, I rise in support of the Interior and related agencies appropriations for fiscal year 1990. I commend the distinguished subcommittee chairman, Mr. YATES from Illinois and the ranking Republican member, Mr. REGULA, as well as the other members from the committee for their fine work in reporting out this bill.

This bill contains funding to preserve vital wilderness areas and operate our National Park System by appropriating money for the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service as well as the Forest Service. It also continues important funding for the development of clean coal technology.

This bill also contains \$220 million for the Land and Water Conservation which is used to purchase land for parks, forests, wildlife refuges, and other lands important for recreation, conservation, and enhancing habitat for wildlife.

I also appreciate the committee's inclusion of \$1 million for land acquisition in the Chattahoochee River National Recreation Area.

I applaud the committee's decision to include in the bill a prohibition on leasing, drilling and exploration in Bristol Bay, AK, and three areas off the coast of California as well as continuation of previous moratoria in the Georges Banks-North Atlantic areas and the eastern Gulf of Mexico area near the Florida Keys. The oil spill in Alaska has graphically demonstrated the oil industry's and the Federal Government's inadequacy to respond to a spill, and the necessity to protect fragile ocean areas from similar environmental catastrophe. I look forward to working with my colleagues to protect these vital areas.

Mr. DANNEMEYER. Mr. Chairman, I want to voice my opposition to language contained in H.R. 2788 which severely restricts Outer Continental Shelf [OCS] drilling. It perplexes me that year after year we, who understand the importance of the Federal OCS Program and

its vital role in providing our Nation's future energy needs, must continue to watch the opposition implement moratoria in order to block the development of our rich domestic offshore resources. It makes no sense.

California is living proof that a balance between the sensitive legitimate environmental interests and growing demand for domestic energy development is possible. Offshore drilling in California State tidelands began in 1894 near Santa Barbara. The Federal program began in 1954. Since its inception in California, over 4,500 wells have been drilled in Federal and State waters in a 225-mile window between San Luis Obispo and Huntington Beach. State waters now contain 14 platforms and Federal waters contain 21 platforms. In 1988, 28,000 of the total 969,000 barrels of oil produced in California per day came from offshore California. While this activity is taking place, the fishing, tourist, and recreational industries are flourishing.

While we dally with moratoria year after year, Mother Nature marches on. Domestic production of oil and natural gas is steadily declining each year as fields are depleted. Over the last 4 years, consumption is up, domestic production is at its lowest point in a quarter of a century, and costly imports are back on the rise. We hit the 37-percent import level in 1988. Projections of future import levels are even more ominous. The Energy Information Administration has spoken in terms of oil imports providing 52 percent by 1995 and 55 percent by the year 2000, exceeding the 1977 high of 46.5 percent. These percentages mask the damage to our balance of payments and rate of inflation and our national security caused by oil imports. A July 6, 1989, Washington Post editorial stated:

Of the four recent oil spills, three resulted from the incompetent navigation of ships, and the fourth involved a collision between a ship and a barge. The only connection to offshore drilling seems to be the committee's conviction that oil is messy stuff and the oil companies are not to be trusted. But the oil companies are right about one thing. Less oil produced in this country and along its coasts means more oil being imported in the kinds of tankers that have lately been running aground here and there.

In a letter from the Secretary of Energy dated July 11, 1989, Admiral Watkins articulates his strong opposition to the imposition of the ban on leasing activities indicating that they are inconsistent with national energy security objectives. He defends his position by stating,

There is little question that safeguarding our environment must be the watchword of every policy decision we make. But the banning of offshore drilling will probably result in more oil being transported by tankers, many of them foreign owned and operated, which have already cost our fragile coastlines dearly. More than 98 percent of the oil produced offshore is transported by pipeline, not tanker. Pipeline transport has been demonstrated over many years and many millions of miles of experience to be an extremely low environmental risk, especially when compared to tanker transport. *** The moratoria do not solve the problem of tanker oil spills. Instead they provide a policy that will probably result in increased tanker traffic and greater environmental risk to our coastlines. They will also exacer-

bate our dependence on foreign oil and worsen our trade deficit. Such actions should be reversed.

Studies indicate that oil platforms are at the bottom of the list of all sources of oil pollution in the oceans, at less than 2 percent. No major oil spill has occurred on the Federal OCS in 20 years. In 1986, 351 million barrels of oil were produced offshore but only 610 barrels spilled—less than 0.000002 percent. There is an ironic twist to the argument that offshore development should be halted because of tanker mishaps. Oil tankers, which carry imported oils, are the main cause of oil spills at 45 percent. Yet, those who oppose further development would leave us more vulnerable to tankers plying our coastal waters.

Between 1954 and 1987, Federal OCS wells produced 7.9 billion barrels of oil and 79.2 trillion cubic feet of natural gas. The U.S. Geological Survey estimates that the Federal OCS contains another 35.1 billion barrels of oil. The California OCS could potentially hold more than 4 billion barrels of the estimated Federal resource.

Economic benefits reaped from offshore development defend its continued and expanded development. Drilling platforms serve as artificial reefs and catches have greatly increased in areas where oil companies have operated for decades. Mussels that feed on the platforms in the Santa Barbara Channel are considered to be among the highest quality mussels in the world.

It is estimated that 1 million jobs depend on over \$7 billion that is generated by tourism in Southern California. It is difficult to argue that oil platforms affect tourism when millions of people flock to the beaches of areas with considerable offshore development including Santa Barbara, Ventura County, Long Beach, and Huntington Beach.

Lease bonuses, rents and royalties from Federal OCS Production poured \$86 billion into Federal coffers from 1954 to 1987. States benefit from Federal OCS revenues which are the principal source of funds in the form of revenue sharing and grants for parks and recreational facilities. Since 1965, more than \$6.8 billion from the fund have been distributed to the 50 States. In 1986, coastal States received \$1.5 billion as their share of accumulated revenues generated from Federal oil and gas leases next to State water. California's share in 1986 was \$338 million and the State will receive \$290 million of an additional \$650 million that are expected to be distributed to coastal States over the next 15 years.

New jobs are created as a result of OCS development for every 10 jobs created offshore, 37 are created onshore. In 1981, Federal OCS development created 700,000 American jobs—only 54,000 were actually on the OCS. States far from the coast benefit because they supply large portions of industry goods that are used in offshore development.

California is living proof that offshore development is consistent with the use of the coastline. The OCS is a national resource and should be treated as such. In this time of rising prices and dependence on imported oil, offshore development is essential and it must continue. I urge you to consider this when casting your vote on H.R. 2788.

Ms. PELOSI. Mr. Chairman, I want to commend Chairman YATES, members of the Subcommittee on Interior and their staffs for developing a fair and reasonable response to the needs of the Department of the Interior and other related agencies.

By far, one of the most important results of the subcommittee and full committee deliberations was the decision to grant a moratorium, for the first time, on pre-leasing activities off the California coast. Pre-leasing activities for lease sale 119, located between the Sonoma/Mendocino County border and Monterey Bay, will be banned. This area surrounds two critical environmental areas where national marine sanctuaries exist near the district I represent. In addition, there is an almost continuous greenbelt of State and national park areas along the coastal border for lease sale 119.

Unfortunately, pre-leasing areas were not included in the President's OCS Task Force. The action of the Committee on Appropriations allows California's coastal representatives to continue the process of reviewing these lease and pre-lease areas with the Department of the Interior in a cautious and responsible manner. The restrictions on pre-leasing activities apply only to formal steps identified by the Department of the Interior as part of the actual lease sale process. This provision allows all parties to consider a longer-term evaluation of the consequences of the surrounding lease sales 91 and 95 on lease sale 119. The committee recognized the important interrelated characteristics of these coastal areas and I applaud their endeavors to encourage a more comprehensive view of California's lease and pre-lease activities.

After reviewing 2,200 items, I think Chairman YATES and members of the subcommittee should be commended for their accomplishment in presenting a balanced bill to the House today. Our parks, public lands and other threatened natural resources are better off for their efforts.

I urge my colleagues to support H.R. 2788.

Mr. FRENZEL. Mr. Chairman, I would like to discuss today a problem which has plagued the budget process since it began in 1974. The issue is scorekeeping—how do you measure a bill which is brought to the floor against the budget resolution. So often we are faced with the problem that the House Budget Committee says one thing and OMB says another.

We are faced with this problem again today, even though we worked hard in the budget summit this year to avoid such a situation by establishing a list of accounts which would be discretionary and mandatory. This distinction has become very important now that we are operating under domestic discretionary cap.

According to official House Budget Committee scorekeeping this Interior appropriations bill is below the 302(b) subcommittee allocation for new discretionary budget authority by \$2 million. Therefore, no Budget Act problems exist with this bill. OMB, however, states that this bill is over the 302(b) subcommittee allocation of new discretionary budget authority by \$365 million. The major reason for this discrepancy is that OMB classifies part of the firefighting account as discretionary and part as mandatory. House budget scoring, on the

other hand, places the entire firefighting account in the mandatory category.

As part of the 1990 bipartisan budget agreement, a list was derived of all accounts which would be considered discretionary, mandatory or split. There was agreement that firefighting would be mandatory, but now CBO, the Senate Budget Committee and OMB all have different interpretations.

Now the issue has been raised, what is firefighting? Should suppression costs, such as training costs, within the firefighting account be considered discretionary spending such as OMB wants? Should only reimbursements for prior year firefighting costs be considered mandatory as the Senate wants? Or should the entire firefighting account be mandatory as is the case in House scoring? To me, the rule of reason suggests that at least some of the costs are discretionary.

Even if this bill is judged by CBO to be OK, it will raise the deficit above what OMB anticipated, and above the level I thought we had agreed on, because the bipartisan budget agreement contained no limitation on mandatory spending. The shift of firefighting from a discretionary to a mandatory allows the mandatory total to rise, but the discretionary total does not decrease. In the Congress nothing is even contained or reduced.

I must emphasize that the problem is not of the subcommittee's creation. Chairman YATES and his subcommittee are performing up to CBO standards. The problem stems from an imperfect understanding during the budget summit. My vote against this bill is not against the subcommittee's work, but against the process.

We have come a long way in reaching agreement on such technical issues between the House, the Senate and OMB. It is my hope that during the next budget summit all loose ends such as this can be agreed upon so that it will not be necessary to raise these "green eye shade" issues on the floor which are both difficult to understand and difficult to explain, and, worse, very hard on the deficit.

Mr. CRAIG. Mr. Chairman, I support the measure before us because it is important for my State of Idaho and other Western States.

This measure will allow the Department of the Interior, the Bureau of Land Management, the National Park Service, and related organizations to continue caring for our public lands.

When you come from a State like Idaho where nearly two-thirds of the land mass is public land, you know how important this is.

From the Birds of Prey Natural Area in central Idaho to the City of Rocks National Reserve in the south, this measure will allow us to protect and enhance some of our most prized natural resources. It will also supply needed funds for fighting forest fires, for forestry research at the University of Idaho and for watershed management near Boise.

While there may be a need for limited amendments, this measure meets the budget guidelines and I support its passage.

The CHAIRMAN. All time for general debate has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2788

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, \$446,296,000, of which the following amounts shall remain available until expended: not to exceed \$1,200,000, to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and \$22,903,000 for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.

FIREFIGHTING

For necessary expenses for emergency rehabilitation, forest firefighting, fire suppression, and other emergency costs on National Forest System and Department of the Interior lands, \$740,393,000, to remain available until expended, of which \$96,716,000 is for the Bureau of Land Management, \$2,800,000 is for the United States Fish and Wildlife Service, \$21,319,000 is for the National Park Service, \$67,025,000 is for the Bureau of Indian Affairs, and \$552,533,000 is for the Forest Service: *Provided*, That such funds are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$2,400,000, to remain available until expended: *Provided*, That necessary procurement documents for construction of the Oregon Trail Visitor Center at Flagstaff Hill, Oregon shall be issued at a time that will permit issuance of a construction contract in February, 1991.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, \$13,490,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources

and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$64,787,000, to remain available until expended: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876): *Provided further*, That notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of the Interior, to remain available until expended, an amount equal to 50 per centum of timber receipts received by the Treasury from the harvesting of timber on the revested Oregon and California Railroad grant lands and the Coos Bay Wagon Road grant lands during fiscal year 1989 in excess of \$174,800,000, the 1989 Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands timber receipts contained in the President's budget proposal for fiscal year 1990: *Provided further*, That this estimate of 1989 receipts shall not be subject to adjustment for the purposes of this section: *Provided further*, That such funds shall be made available concurrent with payment of fiscal year 1989 receipt amounts to counties during fiscal year 1990, and shall be in addition to any funds appropriated in this Act: *Provided further*, That this transaction will not affect, diminish, or otherwise alter the payments to be made on the basis of these receipts in accordance with the Acts of August 28, 1937 (43 U.S.C. 1181(a)) and May 24, 1939 (43 U.S.C. 1181f-1): *Provided further*, That funds made available to the Secretary of the Interior pursuant to this provision shall be used for necessary expenses relating to the Oregon and California Railroad grant lands and Coos Bay Wagon Road grant lands for reforestation and forest development and timber management: *Provided further*, That not later than 30 days after the submission of the President's fiscal year 1991 budget, the Director of the Bureau of Land Management shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this provision and shall include an assessment of resource outputs to be produced in fiscal year 1990, fiscal year 1991, and subsequent years, using funds made available under this provision, and a comparison of the outputs for the program areas listed, achieved in fiscal year 1990 and proposed for fiscal year 1991, with the output levels described in Bureau of Land Management resource management plans in effect at the time of the report required by this provision.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy

and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$8,406,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of subsection 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to subsection 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with

the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau: *Provided further*, That notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for each uniformed employee of the Bureau of Land Management shall not exceed \$400 annually: *Provided further*, That notwithstanding the provisions of the Federal Grants and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Bureau is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals, to implement challenge cost-share programs.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$375,370,000 of which \$5,500,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which \$8,001,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which \$1,000,000 shall be for contaminant sample analysis, and shall remain available until expended.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; \$30,457,000 to remain available until expended, of which \$2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$65,790,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$7,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 187 passenger motor vehicles, of which 180 are for replacement only (including 77 for police-type use); not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, only those personnel and administrative costs directly related to acquisition of real property shall be charged against the Migratory Bird Conservation Account.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$464,000 for the Roosevelt Campobello International Park Commission, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if

authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$774,179,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$55,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, \$500,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That no fewer than 90 full-time equivalent positions may be assigned to Cuyahoga Valley National Recreation Area, Ohio.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, \$16,029,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$30,500,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1990: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$174,210,000, to remain available until expended: *Provided*, That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, \$12,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1990 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$81,016,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, including \$3,300,000 to administer the State Assistance program: *Provided*, That of

the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$406,000 shall be available in 1990 for administrative expenses of the State grant program.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$15,193,000, of which \$10,000,000 shall remain available until expended.

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 386 passenger motor vehicles, of which 332 shall be for replacement only, including not to exceed 285 for police-type use, 17 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any no year funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$486,931,000, of which \$59,783,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 27 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; \$175,066,000, of which not less than \$52,601,000 shall be available for royalty management activities: *Provided*, That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine clean-up activities: *Provided further*, That of the above enacted amounts, up to \$250,000 proposed for data gathering to help determine the boundary between State and Federal lands offshore of Alaska shall be available only if an equal amount is provided by the State of Alaska from State revenues to match the Federal support for this project: *Provided further*, That notwithstanding any other provision of law, \$105,231 under this head shall be available

for refunds of overpayments made by Same-dan Oil Corporation in connection with certain Indian leases in Oklahoma (Case No. MMS-85-0135-IND before the Director of the Minerals Management Service) and by Bow Valley Petroleum Corporation and Mapco in connection with certain Indian leases in Utah in which the Director concurred with the claimed refund due: *Provided further*, That notwithstanding any other provision of law, \$128,033,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, \$161,876,000, of which \$97,885,000 shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed \$400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; \$101,228,000, and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1990: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1990 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available

until expended: *Provided further*, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in *NWR v. Miller*, C.A. No. 86-99 (E.D. Ky.), and not take any actions inconsistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program: *Provided further*, That the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, \$192,772,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further*, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further*, That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87: *Provided further*, That 23 full-time equivalent positions are to be maintained in the

Anthracite Reclamation Program at the Wilkes-Barre Field Office.

**BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS**

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$1,065,574,000, including \$77,000,000 for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291), and of which not to exceed \$71,393,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1991, and of which \$2,180,000 for litigation support shall remain available until expended, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1991: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), \$1,002,000, to remain available until expended: *Provided further*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That \$200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds: *Provided further*, That \$250,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That if the actual amounts required in this account for costs of the Federal Employee Retirement System in fiscal year 1990 are less than amounts estimated in budget documents, such excess funds may be transferred to "Construction" and "Miscellaneous Payments to Indians" to cover

the costs of the retirement system in those accounts.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, \$134,379,000, to remain available until expended: *Provided*, That \$1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That hereafter, notwithstanding any other provision of law, amounts collected from grantees by the Secretary as grant repayments required under the Secretary's regulations for the Housing Improvement Program shall be credited in the year collected and shall be available for obligation under the terms and conditions applicable to the Program under that year's appropriation: *Provided further*, That all obligated and unobligated balances of "Road Construction" shall be merged with "Construction".

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 99-503, 100-383, 100-512, 100-675, 100-580, and 100-585, including funds for necessary administrative expenses, \$191,864,000, to remain available until expended, of which not to exceed \$12,700,000 is made available to the Tohono O'odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503.

REVOLVING FUND FOR LOANS

During fiscal year 1990, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), \$4,767,000, to remain available until expended: *Provided*, That during fiscal year 1990, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 162 passenger carrying motor vehicles, of which

not to exceed 115 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, \$76,789,000, of which (1) \$72,843,000 shall be available until expended for technical assistance; maintenance assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); grants and construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$3,946,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That \$710,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; \$34,102,000, including \$3,000,000 to reduce the accumulated deficit of the former Trust Territory Government: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is author-

ized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1990, shall be credited as an offset against fiscal year 1990 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1990: *Provided further*, That any unobligated balances for Palau government operations that remain available on the date of Compact implementation shall be used by the Department of the Interior to reduce the accumulated deficit of the Trust Territory Government.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$24,760,000, to remain available until expended, as authorized by Public Law 99-239: *Provided*, That notwithstanding the provisions of Public Laws 99-500 and 99-591, the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101(d) of Public Law 99-658.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, \$51,295,000, of which not to exceed \$10,000 may be for official reception and representation expenses: *Provided*, That none of the funds under this head are available for an office for the Secretary of the Interior outside Washington, D.C.

OFFICE OF THE SOLICITOR SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$25,325,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$20,737,000.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, \$1,800,000.

OILSPILL EMERGENCY FUND

Funds made available under this head by the "Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989" shall be available up to a limit equivalent to the amount of funds appropriated by said Act for contingency planning, response, and natural resource damage assessment activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no programs funded with appropriated funds in the "Office of the Secretary",

"Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, or volcanoes; for contingency planning subsequent to actual oil spills, response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon Cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Sec. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5

U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Sec. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Sec. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

Sec. 107. None of the funds appropriated herein or hereafter or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

Sec. 108. Notwithstanding any other provisions of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

Sec. 109. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

Sec. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the Eastern Gulf of Mexico planning area of the Department of the Interior which lie south of 26 degrees North latitude and east of 86 degrees West longitude.

Sec. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

Sec. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases), or the approval or permitting of any drilling or other exploration activity within the area identified by the Department of the Interior in the Draft Environmental Impact Statement (MMS 87-0032) for Lease Sale 91 in the Northern California planning area issued December, 1987; in the Calls for Information for Lease Sale 95 in the Southern California planning area, published in the Federal Register on July 9, 1987 (52 Fed. Reg. 25956) and November 17, 1988 (53 Fed. Reg. 46590); or in the Call for Information for Lease Sale 119 in the Central California planning area, published in the Federal Register on November 16, 1988 (53 Fed. Reg. 46422).

Sec. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and

leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases) or the approval or permitting of any drilling or other exploration activity within an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree West longitude line south along that longitude line to its intersection with the line which passes between blocks 423 and 467 on Outer Continental Shelf protraction diagram NK 19-10; then southwesterly along a line 50 miles seaward of the States of Rhode Island, Connecticut, New York, New Jersey, Delaware, and Maryland to its intersection with the 38 degree North latitude line; then westerly along the 38 degree North latitude line until its approximate intersection with the seaward limit of the State of Maryland territorial sea; then northeasterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degree West longitude line.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities (including but not limited to: calls for information, tract selection, environmental impact statements, notices of sale, receipt of bids and award of leases) of lands described in, and under the same terms and conditions set forth in section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190; or of lands within the 400 meter isobath surrounding Georges Bank, identified by the Department of the Interior as consisting of the following blocks: in protraction diagram NJ 19-2, blocks numbered 12-16, 54-55 and 57-58; in protraction diagram NK 19-5, blocks numbered 744, 788, 831-832, and 1005-1008; in protraction diagram NK 19-6, blocks numbered 489-491, 532-537, 574-576, 578-581, 618-627, 661-662, 664-671, 705-716, 749-761, 793-805, and 969-971; in protraction diagram NK 19-8, blocks numbered 37-40, 80-84, 124-127, and 168-169; in protraction diagram NK 19-9, blocks numbered 13-18, 58-63, 102-105, 107-108, 146-149, 151-152, 191-193, 195-197, 235-237, 240-242, 280-282, 284-286, 324-331, 368-376, 412-420, 456-465, 500-510, 543-554, 587-594, 596-599, 631-637, 640-644, 675-688, 718-733, 762-778, 805-821, 846-865, 887-891, 894-908, 930-950, and 972-994; in protraction diagram NK 19-10, blocks numbered 474-478, 516-524, 560-568, 604-612, 647-660, 692-704, 737-748, 787-792, 830-836, 873-880, 967-968, and 1011-1012; in protraction diagram NK 19-11, blocks numbered 621-632, 665-676, 700, 709-720, 744, 753-764, 785, 797-808, 825-827, 841-852, 856-860, 869, 890-905, 907-909, 929-931, 941-945, 947-949, 973-975, and 985-989; and in protraction diagram NK 19-12, blocks numbered 452-456, 495-499, 536-537, 539-541, 575-577, 579-582, 617-621, 623-624, 661-662, 664-665, and 705-706.

SEC. 115. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following section:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

"(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 per centum of total person hours expended in the United States; and

"(B) from articles, materials, or supplies at least 50 per centum of which by cost, shall have been produced or manufactured, as the case may be, in the United States.

"(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, or for which a building contract has been executed, on or before October 1, 1989, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1993.

"(3) The Secretary may waive—

"(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 per centum of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be produced or manufactured, as the case may be, in the United States; and

"(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 per centum of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A)."

SEC. 116. Notwithstanding any prior designation by the Secretary of the Interior pursuant to section 17 of Public Law 100-440 (102 Stat. 1743), the Bureau of Mines headquarters operation is to be relocated to Avondale, Maryland, no later than 90 days after the Administrator of General Services determines that design and alteration of the facility is completed: *Provided*, That no funds in this Act may be expended for the consolidation of the Office of Surface Mining, Reclamation, and Enforcement at the Avondale facility.

SEC. 117. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with Federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 118. The provision of section 117 shall not apply if the transfer of management or control is ratified by law.

SEC. 119. Section 4(7)(D) of Public Law 100-497 (102 Stat. 2469) is amended by striking the words "1-year" and inserting after the first "Act" in the subsection "and continuing for 365 days from the date on which the Governor of a State provides written notice to Indian tribes which have requested compact negotiations, that the State has a duly authorized negotiator or negotiating team ready to commence compact negotiations with that tribe".

SEC. 120. None of the funds available under this title may be used to prepare reports on contacts between employees of the Department of the Interior and Members and Committees of Congress and their staff.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by titles, and that title I be considered as read,

printed in the RECORD, and open to amendment at any point.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title I?

Are there amendments to title I of the bill?

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Interior Appropriations Act. I commend Chairman YATES, the ranking member, Congressman REGULA, the members of the Interior Appropriations Subcommittee, and the members of the full Appropriations Committee for the fine work they did on this bill. I particularly appreciate the funding increases they included for key programs of the Forest Service, National Park Service, and Bureau of Land Management. These agencies manage one-third of our Nation's lands and this bill would strengthen significantly their ability to protect and manage these lands that are so important to America's environmental and economic health.

For 8 years the funds to manage our national parks, national forests, and public lands have declined dramatically resulting in unacceptable damage to the natural resources under the stewardship of the Federal Government. Because of Chairman YATES' leadership, the Interior Appropriations Act for fiscal year 1989 reversed this trend and provided important increases for natural resource programs. The 1990 Interior Appropriations Act before us today continues this positive trend by further increasing the funding for these programs. By including these increases, Chairman YATES and his subcommittee have been responsive to recommendations from the Committee on Interior and Insular Affairs. In February, the Interior Committee's Subcommittee on National Parks and Public Lands, which I chair, held 3 days of hearings on the administration's budget request for the Forest Service, National Park Service, and Bureau of Land Management. Based on information we received at these hearings, we developed budget recommendations for these agencies which were approved unanimously by the Interior Committee on February 25. On April 25, I testified before the Interior Appropriations Subcommittee and presented these recommendations to its members. Many of them have been incorporated into this bill and I want to thank Chairman YATES and his colleagues for their support and cooperation.

Mr. Chairman, I will now highlight a few of the provisions of the bill that would improve the management of our Federal lands.

FOREST SERVICE

The bill would provide significant increases in funding for the noncommodity programs of the Forest Service above the total 1989 appropriation even after one adds on the extra timber receipt funds which boosted 1989 funding for these programs. Recreation management would be increased by \$4 million, wilderness management by \$5 million, and wildlife and fish habitat management by \$2 million. Because these noncommodity programs have been particularly hard hit in recent years, these increases are sorely needed. The bill also would finish paying back the entire \$508 million fire debt caused by the severity of the 1987 and 1988 fire seasons. This money is owed to the Forest Service's Knutson-Vanderberg Trust Fund which is used for reforestation. Furthermore, the bill would increase funding for forest fire protection by \$20 million which would finance projects to reduce fuel loads and which would hire and train additional fire crews.

The bill also would strengthen the Forest Service's role in solving the global tropical deforestation crisis. It gives the agency an additional \$7 million for tropical forestry research and for technical assistance and training for tropical countries. Furthermore, the bill includes language that expands the Forest Service's authority to spend funds to provide technical assistance to other countries.

NATIONAL PARK SERVICE

The bill would strengthen the National Park Service by increasing its operations budget by \$29 million over the 1989 appropriation. While addressing the needs of established national park units, this increase would also help fund the planning and operations of 13 new national park units designated during the last session of Congress, a study of the impacts of aircraft flying over national parks and an environmental impact statement on the reintroduction of wolves in Yellowstone National Park. The National Park Service's construction budget would be increased by \$15 million which would help alleviate a \$1.5 billion construction backlog in the national parks. The recreation and preservation budget would be increased by \$1.4 million which would help the Park Service maintain its leadership role in many areas of the recreation, conservation, and preservation fields.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management manages more land than any other agency and yet most of its programs are consistently underfunded. This bill would give them the BLM increases in almost every line item over the fiscal year 1989 appropriation. Land use planning is increased by \$81,000, grazing by \$1.2 million, soil, air, and water by \$1 million, wildlife by \$2.2 million,

cultural resources by \$115,000, and recreation by \$3 million. The increases will be particularly helpful in funding the BLM's new fish and wildlife 2000 and recreation 2000 programs. The additional money for improvement of riparian areas will also pay big dividends in better resources.

Finally I would like to thank the Appropriations Committee, and Chairman YATES in particular, for the way this bill deals with paying for fighting fires on the Federal lands. By moving to up-front funding for these inevitable expenses, the committee has taken a big step toward honesty in budgeting, something that the Interior Committee has been recommending for many years. Unlike the administration's proposal for funding firefighting, this bill will not affect the revenues that the United States shares with State and local governments.

Mr. Chairman, it is clear that the bill before us today will do much to improve the management and protection of our national parks, national forests, and public lands. These Federal lands are a heritage of vital importance to present and future generations of Americans and this bill will enable us to be better stewards of this heritage. I urge my colleagues to join me in supporting its passage.

Mr. FIELDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my strong opposition to H.R. 2788, a bill making appropriations for the Department of the Interior. I will vote against this legislation because of its unprecedented assault on the Federal Outer Continental Shelf oil and gas program.

Mr. Chairman, H.R. 2788 establishes pre- and post-lease moratoria on some 84 million acres of our Federal Outer Continental Shelf.

These moratoria make absolutely no sense from either an energy policy standpoint or from an environmental standpoint. By enacting moratoria, we will be condemning this Nation to an ever-increasing dependence on foreign oil and, ironically, a greater likelihood of more, not less, oil spills through increased transportation of oil on foreign tankers.

As the ranking minority member on the Merchant Marine and Fisheries' Subcommittee on the Outer Continental Shelf for the past 6 years, I have thoroughly reviewed every aspect of the Federal OCS Program. There is no question that the Federal lands under moratoria in this bill can be explored and developed in an environmentally sound manner. To date, more than 37,500 wells have been drilled in Federal and State waters. There has never been a blowout or a major oil spill from any exploratory well drilled in U.S. waters.

The Federal OCS Program has an outstanding environmental safety

record. It is our Nation's safest energy extraction program. In fact, urban runoff dumps more oil into the ocean than offshore rigs.

In addition, it is significant to note that in 1978 Congress created the Offshore Oil Pollution Compensation Fund. This fund was designed to compensate victims of an offshore oil spill.

Mr. Chairman, the Coast Guard, which administers this fund, has never had to utilize it nor has it ever had to pay any damage claims.

By contrast, out of the 60 largest oil spills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity. The remaining 59 oil spills were caused by tankers, the majority of which were carrying imported crude oil. The four recent oil spills from tankers, including the disastrous *Exxon Valdez* spill, clearly indicate that the real risk is in oil tanker transportation, not OCS development where the oil is generally transported back to land by pipeline.

Mr. Chairman, every Member of this body deeply regrets the Prince William Sound tragedy. It was a terrible accident that should have never occurred. Nevertheless, we must not confuse this tanker spill with the Federal OCS Program. This tanker spill has nothing to do with OCS exploration or development. They are two totally unrelated activities. And, to ban OCS development because of the *Exxon Valdez* is like shutting down our Nation's rail system because of an aviation accident. Even the environmentally sensitive Washington Post ran an editorial last week on July 6 criticizing the Appropriations' moratoria and stating,

Less oil produced in this country means more oil being imported in the kinds of tankers that have been running aground here and there.

Mr. Chairman, I would suggest that instead of prohibiting OCS activity, the lesson from the *Valdez* is that we should be accelerating careful and safe OCS development because its resources are transported in pipelines which are far safer than tankers.

In fact, the great irony of this debate is that by establishing these moratoria the proponents of this language are placing our coastline at far greater risk and are making it more likely there will be a foreign oil spill off our shores.

The simple fact is that this Nation burns oil and if we are not going to get our energy resources from the OCS, then we are going to get them from Saudi Arabia, Iraq, or some other foreign source; and they are going to be transported on tankers which have caused 59 out of 60 of the largest oil spills.

In short, moratoria proponents are shooting at the wrong target. Perhaps what they should have done, instead

of prohibiting OCS activity, is prohibit tankers from traveling off their coasts. At least then they would be dealing with the source of the problem.

Mr. Chairman, I am also frankly disgusted that we continue to postpone critical energy decisions. After nearly 10 years, it is obvious that moratoria have not produced compromise or consensus. If Members are unhappy with the OCS Lands Act, then they should amend or repeal that law. It is time for the Appropriations Committee to get out of the moratorium business. It is simply not in this Nation's best interests to continue to rely on a year-by-year de facto energy policy based on moratoria.

Let me briefly highlight the most onerous provisions of this year's legislation. First, the bill establishes a series of preleasing prohibitions that will prevent the Department of the Interior from conducting a whole range of activities, including environmental impact statements, on a number of upcoming lease sales.

Since H.R. 2788 already prohibits the actual lease sales themselves, it is counterproductive and, frankly, overkill to now prevent the Department from performing necessary prelease evaluations. For instance, under this language, the Department may not survey the industry to determine whether there is even any interest in an upcoming lease sale, and it may not conduct public hearings to determine which areas should be placed off limits to development. In short, this language is highly destructive to the overall viability of the program and the future of offshore leasing. It is irresponsible and the height of poor policymaking.

Second, this legislation once again extends the moratorium on lease sales 91, 95, and 116, despite the fact that President Bush has acted in good faith to resolve disputes through a task force created to review every aspect of these three lease sales. This more than anything exposes the political shenanigans of the proponents of moratoria. With a task force already in place, enacting further moratoria indicates to me that the sponsors are not interested in a serious policymaking debate. Rather, they will oppose leasing at any cost, for any reason, no matter what the statistics show or regardless of our energy needs.

Mr. Chairman, it is wrong not to allow the President's task force to go forward unimpeded by new leasing restrictions. Once the task force has completed its work, proponents and opponents of offshore activity will have sufficient opportunities to make their case to the respective authorizing committees. In short, the President of the United States has offered an olive branch on these three lease sales and moratoria proponents have turned a deaf ear.

Third, H.R. 2788 reestablishes a post-lease sale moratorium for certain Federal lands off the coast of Florida. By so doing, this bill has once again repeated a grievous breach of faith whereby the Federal Government prohibits activity on offshore lands already legally obtained at significant cost by our domestic offshore energy industry.

Mr. Chairman, this dangerous post-lease sale moratoria sends the worst possible signal to our domestic energy industry that the Federal Government is an unreliable partner, willing to unilaterally change the rules at any time.

Fourth, this legislation also prohibits OCS exploration on some 23 tracts which have been legally obtained in the Bristol Bay OCS region off the coast of Alaska.

Mr. Chairman, I find this language particularly offensive. During the past 15 years, the Department of the Interior has done everything possible to satisfy the concerns of the State of Alaska, including the removal of 83 percent of the proposed area. In addition, it delayed the sale for 12 years.

Since the actual lease sale in 1986, attempts have been made to stop exploration in the district court, the court of appeals of the ninth circuit, and the U.S. Supreme Court. In each instance, the Department has prevailed. Unfortunately, that does not seem to matter because moratoria proponents seem to think that what is good for California and Florida, must therefore, be good for Alaska. This language is bad for the United States and bad for the people of Alaska.

Finally, H.R. 2788 authorizes a study on how the Federal Government can buy back these Bristol Bay leases. I must tell you that I find this provision to be the most ludicrous of all. Where is the Federal Government going to come up with the more than \$100 million plus interest to buy back these leases and how do we replace the lost energy resources which are calculated in excess of \$3.3 billion?

In summary, this bill does such destruction to the Federal OCS Program that it must be rejected. Since 1953, the OCS has produced over 8 billion barrels of oil and nearly 83 trillion cubic feet of gas. It has contributed in excess of \$90 billion to the Federal Treasury and it is estimated that it contains 35.1 billion barrels of additional oil. Without these resources, our Nation cannot begin to meet its energy needs. Unfortunately, H.R. 2788 locks up these resources for yet another year and even longer in those areas with prelease restrictions.

The House Appropriations Committee was given a choice. They could choose to have environmentally safe development on our Federal Outer Continental Shelf or they could mortgage our Nation's future energy security to the Middle East oil barons. Re-

grettably, they have chosen badly. As a result, we are now placing our coastal environments at greater risk by promoting increased tanker imports, an alternative which has proven—again and again—to be far more likely to result in oil spills.

If nothing else, today is the day of accountability. The people of this Nation must know that the next time there is an oil spill off their coasts, there are two culprits: the tanker company and those who have stopped our Nation's safest energy extraction program by establishing these misguided leasing moratoria.

I urge my colleagues to vote "no" on H.R. 2788 and to send a message to the Appropriations Committee that it is time to stop leasing moratoria off the coasts of California, Florida, Alaska, or anywhere else. These Federal lands, and the energy resources they may contain, belong to all Americans.

□ 1220

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS: On page 29, line 8, after "100-580," insert "101-41."

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, this is a technical amendment, and we accept it.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are in favor of the amendment and have no objection.

Mr. DICKS. Mr. Chairman, I am pleased to rise today in support of H.R. 2788, a bill to provide appropriations for the Interior Department and related agencies. I congratulate Chairman YATES for his thoughtful leadership in once again bringing to the floor a bill that is fair, balanced, and shows fiscal responsibility by staying within its outlay limitations. I also want to thank my colleague, Mr. REGULA, the ranking minority member on the Interior Appropriations Subcommittee, and the other members of the subcommittee for their cooperation in moving this legislation forward.

The \$11 billion package contains many funding initiatives that will serve the best interests of the citizens of this Nation. I am particularly pleased that the bill contains \$77.25 million to implement the Federal share of the Puyallup Indian settlement, an agreement that will have great impact on the future of my congressional district. The proposed agreement, which took almost 5 years to completely negotiate, is a landmark agreement that directly impacts greater metropolitan Tacoma, WA, Pierce County and its surrounding municipalities, and the Port of Tacoma. This carefully negotiated agreement is a comprehensive and

balanced package that is fair to all sides. It will resolve once and for all, the longstanding land claims and jurisdictional disputes which have hindered development and clouded residential and commercial properties.

Without the settlement the affected community will face a highly uncertain future. Questions as fundamental as police authority, the power and obligation to tax, the obligation to protect the health and welfare of the public, zoning authority, business regulations, and other fundamental jurisdictional matters will remain unclear and subject to dispute. Furthermore, tribal claims against the ownership of lands means that the sale, transfer, and investment in such lands will remain significantly impaired, having a dramatic negative effect upon the development of business and industry.

The settlement is valued at \$161.844 million, with a Federal share of \$77.25 million, a figure which is below 50 percent of the total. Several direct benefits will be provided to the tribal membership, including: the acquisition of land, economic development and job training activities, fisheries enhancement, housing rehabilitation, and support for social needs such as health care, day care, and education.

This agreement will serve as a catalyst for cooperation in a community that has faced a long history of divisiveness and conflict. Beyond a negotiated settlement, the only means available to the tribe and non-Indian community to resolve these disputes is through the court system. However, years of costly litigation could only lead to new tensions and further alienation between the parties. Furthermore, it is critical to note that the claims by the Puyallup Tribe are currently in district court and are on hold pending congressional consideration and approval.

I join with Indian leaders throughout the Nation in expressing my great appreciation to the chairman and the members of the Interior Appropriations Subcommittee for their recognition that the settlement approach is the right path to pursue in resolving longstanding historic disputes that have divided communities and impeded growth and cooperation. In addition to the Puyallup settlement, H.R. 2788 contains funding for the Hoopa-Yurok, Salt River, San Luis Rey, Colorado Ute, and Aleutian-Pribilof settlements.

I urge my colleagues to support this bill.

Mr. FLORIO. Mr. Chairman, I rise in support of H.R. 2788 which contains provisions that are vital to the protection of our environment. I commend the Appropriations Committee for adopting a moratorium on oil and gas leasing within 50 miles off the coasts of the States of the Middle Atlantic, including New Jersey.

New Jersey's ocean and shore area is one of our State's most valuable treasures. But it is also an area that has been the victim of abuse and degradation. The dumping of sewage sludge and medical waste, the repeated beach closures last year, all have brought home to us the value of our shore, both in human terms and economic terms.

In recent weeks, we have turned on our TV's and seen otters covered with oil and birds struggling on beaches as far away as Alaska and as close to home as the Delaware River. It used to be that we would look out for

horseshoe crabs when the tide came in; we now look out for dead fish and globs of oil.

Our environment can only take so much. Unfortunately, former Interior Secretary James Watt left us a legacy that we must still continue fighting. It was Watt's notion that the Atlantic coast was a great place to drill for gas and oil. Exploratory drilling that has gone on off our coast has resulted in only five actual discoveries of oil and gas. The Interior Department itself estimates that there is enough oil there to last the United States 5 days and enough natural gas for 100 days. If you ask any beach goer, if you ask any of the people involved in our State's \$8 billion tourism industry, they will tell you that 105 days of oil and gas aren't worth this trouble.

Recently, I joined Congressman PALLONE in requesting that the Appropriations Committee approve a moratorium on any gas and oil leasing off the Middle Atlantic coast. I am pleased that this legislation contains language to bar oil and gas leases off our entire coast, stretching from Maryland all the way to Rhode Island.

I would like to thank Congressmen YATES, REGULA, DWYER, and ATKINS for the efforts on the committee on behalf of New Jersey. I urge my colleagues to approve this legislation.

It is important that we do everything possible to make sure that our grandchildren won't need to think twice before deciding to spend a day at the beach.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DIRKS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AU COIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AU COIN: Page 13, line 18, strike "\$774,179,000" and insert in lieu thereof "and \$100,000 for a feasibility study of the establishment of a national park in connection with the antebellum plantation homes in the Creole style along Cane River in Louisiana, including Oaklawn, Cherokee, Beau Fort, Oakland, Kate Chopin, Melrose, and Magnolia, \$774,279,000".

Mr. AU COIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. AU COIN. Mr. Chairman, my amendment appropriates funds for a feasibility study for a national park in the State of Louisiana which has great significance to the region as well as to the country.

I offer this amendment on behalf of the gentleman from Louisiana [Mr. HUCKABY] who has worked with me, and I with him, on this for some considerable time.

Mr. Chairman, this deals with an area in the Cane River region just south of Natchitoches which is rich in history and culture unique to this area

of Louisiana. It is from this region of the State that the Creole culture originated.

Mr. Chairman, along the Cane River, an old channel of the Red River that runs some 32 miles, there exists today some seven homes that are architecturally significant. These homes have been passed down for over two centuries with two being designated as national bicentennial farms.

I think this is a significant asset that deserves a feasibility study, and that is why I offer the amendment.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. AU COIN. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I would like to extend my thanks to the gentleman from Oregon [Mr. AU COIN], a senior member of the subcommittee, for offering this amendment in our behalf and for working with me for quite an extended period of time in this endeavor.

Mr. Chairman, the Cane River country and Natchitoches Parish in Natchitoches, LA, is very unique in Louisiana's history and America's history. Two of these plantations were actually working farms, working plantations at the time Jefferson purchased Louisiana from Napoleon. Natchitoches is the oldest city in the entire Louisiana Purchase.

Mr. Chairman, during the last few years some of these plantations have, due to economic hard times, come into a state of disrepair, and it is for that reason we have asked the Park Service, and they have indicated their strong desire, to study this to pursue the possibility to see if it meets the criteria for inclusion in our National Park System because it is truly a slice of the rich history of America.

Mr. Chairman, I thank the gentleman from Oregon [Mr. AU COIN].

Mr. AU COIN. Mr. Chairman, I thank the gentleman from Louisiana [Mr. HUCKABY] for his statement, and I think this is a worthy proposal.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. AU COIN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, it is with deep regret that I have to oppose this study. It is a worthy study. The problem is we do not have money for studies.

Mr. Chairman, there are 25 requests pending in our subcommittee by Members who came in and asked for funding for a study. The gentleman from Kansas [Mr. GLICKMAN] just came up to me and asked for a study for a park in his district.

(On request of Mr. YATES and by unanimous consent, Mr. AU COIN was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, if the gentleman from Oregon [Mr. AuCOIN] will continue to yield, I say that the cost of all the studies, and they are all worthy ones, I must say, would exceed \$5 million.

Mr. Chairman, this is a problem that we have to deal with, and I want to assure the gentleman from Oregon [Mr. AuCOIN], who is a most distinguished member of the subcommittee, that we will look at it next year. This year, because of the constraints of the budget, there are other matters that had precedence. The studies must be made. We have such onerous burdens existing in the parks now, and we have to face up to the question of how many more units we will include into the park system when we are not able to really take care of the needs of those that are already in existence.

□ 1230

There is no doubt in my mind, the gentleman from Louisiana makes a very strong case for this study. As I say, we will give it every consideration.

Mr. AuCOIN. Is what the chairman is saying that no feasibility studies for any national parks are included in this bill?

Mr. YATES. The gentleman is correct. We did not approve any single study, even though they are all worthy.

May I say to the gentleman from Louisiana, his is among the worthiest. I think this is singularly historic and one that in time will certainly be approved. It is just a question of budget restraints.

Mr. AuCOIN. Is the chairman of the committee also saying, then, that his intention would be that next year the committee would look at this whole welter of requests for feasibility studies and try to make some judgment on the question?

Mr. YATES. The gentleman has my assurance that I will do so.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend, the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would only want to take a minute to agree with the chairman. We had requests on our side, and many on the gentleman's side of the aisle, I had a couple myself, and we decided not to do any of them simply because we were right up at the top of our allocation for funding and we have so many unmet needs now in the existing parks that those had to take a higher priority in the studies.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(At the request of Mr. YATES, and by unanimous consent, Mr. AuCOIN was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. Mr. Chairman, I appreciate the statement of the gentleman from Ohio.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend, the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I certainly appreciate the chairman's consideration of this. I certainly realize the difficulty and that there were numerous requests for studies. This particular study, the dollar funding was only \$100,000; however, I have the utmost respect for the chairman of the subcommittee, and hence with the understanding that we will work to try to include this next year. Since our President has stated that he wants to be the environmental President, I think one of the things important to the environment is to preserve and expand our rich heritage.

Thus, I would urge consideration of this matter at that point in time.

Mr. AuCOIN. Mr. Chairman, I want to say that it has been a pleasure to work with the gentleman from Louisiana on this worthy project, but under these circumstances and with the explanation of the distinguished chairman of the subcommittee, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Oregon [Mr. AuCOIN] is withdrawn.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the ranking member of the subcommittee, the gentleman from Ohio [Mr. REGULA] to respond if he would at the proper time.

Mr. Chairman, I would like to take this opportunity to request assistance from both the chairman of the Appropriations Subcommittee on Interior and from the ranking member, the gentleman from Ohio [Mr. REGULA] on this side of the aisle, to address a critical funding shortfall for the National Fish Laboratory in LaCrosse, WI.

The gentleman will recall my testimony before the subcommittee on April 25, 1989, Mr. Chairman, in which I requested \$500,000 in additional operations and maintenance funding for the lab, over the current level of \$1.444 million. The funding increase is needed to avoid staffing cuts and program deficiencies at the lab which are certain to jeopardize research programs of extreme importance to State and Federal fishery programs.

Since 1983, the lab has received only a 3-percent increase in real terms. That is 3 percent in 7 years, despite inflation and payroll increases, and despite increases in the Fish and Wildlife

budget for other programs of as much as 28 percent over the same period.

This legislation would provide \$1.591 million to the lab for fiscal year 1990. That increase is less than 10 percent of the increase the fish lab sees as necessary to fully carry out its present level of programs.

I would like to ask the subcommittee chairman how we might further address this funding shortfall in the future.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman's further efforts to obtain additional needed funds for the National Fish Lab in La Crosse. Our next step toward this effort can best be achieved in conference.

In the interim between now and conference, I will direct the Fish and Wildlife Service to conduct a study of the need and capabilities of the National Fish Lab in La Crosse and will direct the agency to report back to the committee within 30 days. That study will include an assessment of current funding needs at the lab to include operation and maintenance requirements for fiscal year 1990 in order to preserve current programs as prioritized by the lab.

Finally, the study will also include consideration of other funding needs at the lab for fiscal year 1990 and beyond as prioritized by the lab. Finally, the study will present to Congress additional funding options for the lab, including an assessment of the degree to which additional research funds appropriated to the agency may be directed to the fish lab to compensate for any funding shortfalls to the fish lab.

This assessment will then allow us to base further consideration of the funding needs at the National Fish Lab when we go to conference.

Mr. GUNDERSON. Mr. Chairman, this legislation will be very, very helpful. I want to thank the gentleman for his effort and commitment, both to the gentleman from Ohio and to the chairman for their overall efforts to assist us with the fish lab, and obviously all the difficult work that this particular appropriation bill includes.

Mr. MURTHA. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, let me thank the gentleman from Pennsylvania for yielding to me.

I would like to engage in a colloquy for the purpose of discussing very briefly the Monocacy Battlefield which is in my Sixth Congressional District.

On July 9 of this year, it was the 125th anniversary of that battle. This battlefield was signed into law and created by FDR in 1934, so it has been around for a short period of time, I guess, in the funding level, but the time has come that we need to look at some funds here.

Mr. MURTHA. Mr. Chairman, if the gentlewoman will yield, let me say to the gentlewoman that I know she came to me before the markup in the full committee. I went to the gentleman from Illinois [Mr. YATES] and to the gentleman from Ohio [Mr. REGULA] and they both agreed to take a look at this in the conference. All of us think it is a magnificent project. We know that the gentlewoman's husband preceding her put the authorizing language into this particular battlefield. We think it is a project that certainly ought to be taken care of and we are going to do everything we can in conference to take care of it.

Mrs. BYRON. Let me thank the gentleman, because currently we have one piece of property which is key to the battlefield that is an estate that is available now for purchase, which it had not been previously, and time, as usual, is of the essence.

I do appreciate what the gentleman from Pennsylvania is trying to do and also the chairman, the gentleman from Illinois [Mr. YATES], and hopefully we will be able to resolve this in conference. I appreciate the gentleman's support.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words. I would ask to engage in a colloquy with the gentleman from Illinois [Mr. YATES]. It is along the same subject as was raised by the gentleman from Louisiana [Mr. HUCKABY] and the gentleman from Oregon [Mr. AUCOIN] concerning another feasibility study for a national monument.

Mr. Chairman, I recently appeared before the Interior Subcommittee, on behalf of the entire Kansas delegation, to request funding for a study by the National Park Service to explore the feasibility of establishing a national monument on the Flint Hills Prairie in Kansas. The House Interior appropriations bill does not at this time include the \$50,000 we requested to fund such a study. Does the subcommittee have an objection to the exploration of the national monument in the Flint Hills?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, not at all. The committee believes it is a very worthy project. The problem that we had was that we had finished marking up the bill. We had 25 requests for studies of this kind, all worthy projects. The total of those, had we

agreed to them, would have exceeded \$5 million.

After we marked up, we were up against the ceiling on our outlays and on our budget authority, and we just could not do it.

As I indicated in response to the gentleman from Oregon and the gentleman from Louisiana earlier, who also brought up a very worthy project, we will look at these next year. I want to assure the gentleman that we will look at this project at Flint Hills next year as well.

Mr. GLICKMAN. Well, I appreciate the gentleman's understanding.

There is no other park or facility under the management of the National Park Service devoted to the preservation of our prairies and the natural grasslands as they have existed for centuries. We believe this area shows great potential for public benefits and recognition of national significance, and for economic benefits to the surrounding area and State of Kansas. The National Park Service has indicated to me that such a project is very high on their list of priorities for new additions, and that the Kansas facility looks quite promising.

Again, as I pointed out, there is no national monument or park to preserve our prairies. That is the purpose of what we are trying to get here. The cost is fairly small and I would hope that the gentleman could be of as much help as he could on this project.

□ 1240

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman was kind enough to give me a pledge button for the state of Kansas, and I shall wear it proudly. I want him to know it will serve as a constant reminder of the request of the gentleman.

Mr. GLICKMAN. I would say to the gentleman that we refer to that as a sunflower in the State. The gentleman can call it anything he wants to if he helps get the project funded next year.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Appropriations Committee—and in particular, my colleague, Mr. YATES—deserve our thanks and commendation for their leadership in developing this bill.

It contains a number of important provisions—provisions which I strongly support and which provide substantial and much needed protection for our natural resources and heritage.

Let me highlight some of these provisions for you:

The bill extends and expands the moratoria on offshore oil and gas leasing. This is a clear recognition of the

sad fact that the Interior Department's Offshore Oil and Gas Leasing Program is broken and needs to be fixed. The bill prohibits leasing and preleasing activities in a number of environmentally sensitive and vulnerable areas. This includes Bristol Bay in Alaska—for the first time, the entire California coast, the mid-Atlantic coast, and a portion of the Florida coast. It further halts activity on those Bristol Bay leases which have already been issued and it requires the Interior Department to look into buying back those issued leases.

The moratoria is an expression of the importance we place on protecting our coastal areas. It also underscores our deep concern—and distrust—about the industry's ability and commitment to develop oil and gas resources in an environmentally safe and sensitive manner. In view of the *Exxon Valdez* oil spill, along with the more recent, smaller spills in Rhode Island, Delaware, and Texas, it makes no sense to proceed with the development of offshore resources until the full range of safety issues have been addressed and answered. The moratoria ensures that these issues will be dealt with in a timely fashion.

The bill increases the appropriation for the National Park Service programs and activities. The committee added \$168 million over the amount requested by the administration.

Of special importance and interest to me is the funding the committee included for the acquisition of lands for the John Muir Historic Site in California. The lands to be acquired—which are under the threat of residential and other development—are part of the old Muir ranch. They will add an important dimension to the site, to our understanding and appreciation of John Muir and to what helped inspire him during a lifelong quest to protect our natural resources. The educational value of these lands is truly incomparable and invaluable.

Several important studies and planning activities have been funded as well. These include:

Funding for a study of the potential of the American River in California as a national recreation area. The information this study develops will be important to Californians as decisions are made in the future concerning the Auburn Dam.

Funding to continue the planning and development activities for the bay ridge trail. This effort has tremendous local support throughout the San Francisco Bay area, as citizen groups and local governments are working to develop the plans and raise funds for the trail.

Funding for the Department to develop an environmental impact statement on the reintroduction of wolves in Yellowstone Park. This has been a

long-festering and sometimes contentious issue. For years, the Department has failed to prepare an EIS—a document which could and should address many of the concerns and questions about reintroducing wolves. This document is long overdue and should be expeditiously prepared.

There are many more projects, programs, and initiatives included in this bill which are very important and well worthwhile. It is a bill which deserves our enthusiastic support. I know there are projects and programs which deserve more money than they will receive under this bill. The difficult problem of which programs to fund and which to cut underscores the need to solve some of these acute funding problems and decisions. My colleague from Arizona, Mr. UDALL, has introduced the heritage trust bill which offers an answer to funding at least some of these programs. I hope that we will pass this bill soon.

Finally, I know this bill might have contained provisions to deal with the issue of timber-related activities in the old-growth forests in Oregon. I understand that negotiations are underway to reach a consensus response to this highly charged issue. I would like to commend my colleagues, Mr. DEFazio, Mr. AUCOIN, and others from Oregon—for their leadership and hard work. I know it is a difficult issue in Oregon. But, I would only stress that it is important throughout the Nation as well, because it will determine the use and fate of some of this country's last areas of old-growth forests.

Again, I commend the gentleman from Mississippi [Mr. WHITTEN] and the gentleman from Illinois [Mr. YATES] for their work and leadership. I urge all Members to join with me in support of this bill.

Mr. BEVILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to call attention to the language found in the committee report on page 97 relating to cooperative research agreements between the Department of Energy and the States.

As the gentleman is aware, both of our States—Alabama and Illinois—have executed these agreements, together with some 17 other States. These agreements have just recently been executed—1987—and joint funding support has just developed. Both Illinois and Alabama received funding in the spring of 1989.

The tone of the committee report implies that there is some concern about these agreements. Does this concern mean that the joint Federal/State research planning process and cooperative funding opportunities provided through these agreements will be lost?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would say to my good friend, the gentleman from Alabama [Mr. BEVILL], that this kind of a program is entirely consistent with the goals and objectives of the Department of Energy provided it is pursued primarily on a competitive basis. As long as it is on a competitive basis, such a competitive research program can be responsive to State and local needs as well as national needs, and it can provide a systematic approach for involvement of universities.

Mr. DYSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to, if I could for a minute, just address the chairman of the subcommittee.

Mr. Chairman, I serve as chairman of the House Subcommittee on the Panama Canal and the Outer Continental Shelf, and share responsibility for ensuring that the Federal Offshore Oil and Gas Program, known as the OCSLA Program, balances this Nation's need for energy development with our equally important need to protect sensitive coastal environments.

The general consensus among most observers is that the existing OCSLA Program is failing to balance these needs.

One indication of this failure, Mr. Chairman, is the fact that the OCSLA Program has been in effect since 1953, and so far, only 4 percent of the Outer Continental Shelf has been brought under development.

A second indication of the program's failure to balance the need for environmental protection with the need to develop our energy resources is the fact that in each of the past 8 years, Congress has attached to the Interior appropriations bills riders that prohibit the Department of the Interior from holding lease sales on specified tracts of the shelf. Other moratoria block leaseholders from exploring or drilling on tracts that are already under lease.

Last year, Mr. Chairman, the Federal Treasury received \$3.5 billion from lease sales, royalties, and rents. Even with little or no expansion in the program, the Congressional Budget Office estimates that Federal revenues from the Outer Continental Shelf will climb to just over \$4 billion in 1994.

The Federal Government needs these revenues. The Nation needs additional energy resources. But before we can safely proceed with further development on the Outer Continental Shelf, we must be absolutely certain that coastal communities are protected, and that the delicate environment of coastal waters is protected.

Until we can strengthen the program and ensure that these protections are in place, the House Interior Appropriations Subcommittee is justified in taking the extreme action of prohibiting offshore development

through the enactment of the moratoria we are discussing today. I therefore support the subcommittee's decision to adopt this moratoria, and want to express my personal appreciation to Congressman YATES, the subcommittee's chairman, for including Maryland's Atlantic coast in their action.

Mr. Chairman, I believe that it is possible to strengthen the existing program, and to assure Coastal States that Federal offshore activity will not unnecessarily disrupt local communities nor endanger the already threatened quality of their coastal waters. I intend to convene a series of hearings on this very issue, and would hope that our success will make future moratoria unnecessary.

I therefore invite those Members of Congress who share my concern for this issue to contact my subcommittee. They can be confident that we will keep them notified of our progress. Until then, however, I should like to once again thank the chairman of the Interior Appropriations Subcommittee for his leadership on this matter, and for his efforts to protect Maryland by including it in this year's OCSLA moratoria.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I will be very glad to enter into a colloquy with the gentleman.

Mr. WATKINS. In this year's Interior appropriation bill under the leadership of the chairman and the committee and the staff, there was included \$190,000 for the purchase of a needed 161 acres adjacent to the Tishomingo Fish Hatchery. Due to long time delays by the Department to finalize the sale, the land ended up being sold to another buyer. Fortunately, the buyer appears to be willing to provide us a long-term conservation easement on the land so we can maintain the hatchery. However, a portion of the moneys will be available for some additional use. I wanted to ask: Is it the gentleman's understanding that the remaining funds are considered what they call no-year-end moneys that could be expended during this fiscal year for other purposes?

Mr. YATES. The gentleman from Oklahoma is correct.

Mr. WATKINS. Mr. Chairman, I would like to ask the chairman for support. Does he have any objection for the same agency, the U.S. Fish and Wildlife Service, to utilize the remaining funds for acquiring a small tract of land for a deer preserve near Antlers, OK, and the Indian Nations Turnpike that could be managed through a co-

operative agreement with the Service, and with an entity of the State of Oklahoma and the local community?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would have no objection to what the gentleman is proposing, and I can see myself agreeing to the transfer of funds not utilized for the easement purchase to the project in Antlers. The transfer of funds from one project to another can be done administratively up to \$100,000 and within the confines of the Service.

Mr. WATKINS. Mr. Chairman, I do appreciate the gentleman's support and the support of the minority leader and under the committee, and I appreciate their understanding. In case we need the gentleman's help and support, I want him to know, as we finalize and work toward a conference, I would deeply appreciate the gentleman's help with any needed legislative language if necessary.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, it has been a pleasure to work with the gentleman in the past on some problems that have come up in his district, and I look forward to continuing that relationship.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the bill, and I would like to take this opportunity to extend my thanks and those of all the creatures in and near the waters of New England, both those with lungs and with gills, to the gentleman from Illinois and his committee for once again seeing to it that the rich waters of Georges Bank will be protected from irresponsible offshore drilling operations.

Mr. Chairman, I strongly support H.R. 2788 and I congratulate Chairman YATES and his subcommittee, as well as the full Committee on Appropriations, for the job they have done.

Although constrained by the budget mess under which we all must operate, the committee has brought to the floor a bill that makes good fiscal sense, while also achieving important environmental goals.

As chairman of the House Subcommittee on Fisheries and Wildlife, I am especially gratified by the committee's proposed increase in land acquisition funds for the Fish and Wildlife Service; by the maintenance of the grants to State programs under the Endangered Species Act; and by the financing of a proposed study of critical fishery and wildlife habitat along the northeast coast, including Narragan-

sett Bay, Buzzards Bay, and Nantucket Sound.

In addition, as a Representative of one of the most beautiful and productive coastal areas of the country, I am grateful for the committee's acceptance—for the 7th consecutive year—of a moratorium on oil and gas leasing in the most ecologically and economically important areas of Georges Bank.

Perhaps this year, the Department of the Interior will finally get the message Congress and the American people have been trying to send it throughout this decade.

Yes, we want to develop oil, but not at any price. Our oil leasing program must be balanced. It should be part of a national energy policy that emphasizes conservation and the development of renewable, not exhaustible fuels. And it must take into account the risk that oil drilling poses to fishermen and others who depend for their livelihood on the health of the oceans and the beauty of our coasts.

With the help of this committee and this House, we have so far succeeded in preventing oil and gas leasing in the most environmentally sensitive areas of Georges Bank. But it has not been easy. Each year, we have heard industry and administration officials belittle our concerns. We have been told that oil spills will not happen; but when they do, it will not matter because contingency plans are in place to clean up those spills; and if cleanup efforts fail, it still will not matter because the oil will disperse without harm to fish or wildlife; or at least not much harm, if the winds are right and spawning grounds and estuaries and marshes do not drift carelessly into the oil.

The bill we are considering today heeds the voice of caution, not complacency; caution not only on Georges Bank, but in Florida, California, and Alaska, as well. In so doing, the bill calls not for an end to energy development, but for the beginning of an energy policy. Drilling is, after all, no substitute for thinking. And even a moment's thought will tell us that America's energy future depends not on how quickly we drain the oil we have left, but on how quickly we develop alternatives to fossil-based fuels.

This bill is a good bill, fiscally, environmentally, and from the perspective of our Nation's energy needs. I support it, and I hope it will pass the House overwhelmingly, without weakening amendments of any kind.

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Mr. BAKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also rise for the purpose of entering into a colloquy with the distinguished chairman of the subcommittee for the purpose of clarifying a question with regard to the legislative history of this matter.

Mr. Chairman, the language in the fiscal year 1990 Interior Appropriations Committee report recommends that the expenditure of moneys by subgrants of either the National Endowment for the Arts or the National Endowment for the Humanities should be prohibited, unless the grant or award has been previously approved by the appropriate councils. I had intended to introduce an amendment to mandate this policy specifically, but I have been informed that the committee has received formal notification from the National Endowment for the Arts and the National Endowment for the Humanities that this policy will be implemented.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Illinois.

Mr. YATES. Let me assure the gentleman from Louisiana that the committee has been in contact with representatives of the National Endowment for the Arts and the National Endowment for the Humanities concerning the direction by the committee that their guidelines indicate that they will comply with the grant provisions of the law, and that that provision applies to subgrants as well as to direct grants. The answer to the gentleman's question is yes.

Mr. BAKER. I thank the gentleman and also note that there will be a change in leadership of the councils that will be taking place in the near future. Is it the gentleman's understanding that this policy would continue throughout the appointment of a new chairman or new administration?

Mr. YATES. Mr. Chairman, if the gentleman will yield further, that also is my understanding, that it will be pursued with the incoming new chairman as well as after his confirmation.

Mr. BAKER. I thank the gentleman for clarifying this question. I do not intend to offer a further amendment.

Mr. YATES. May I say to the gentleman, if he will yield further, that it is the intention of the gentleman from Ohio [Mr. REGULA] to assure that this happens by offering an amendment to place it into law.

Mr. BAKER. I thank the gentleman.

Mr. JONTZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take just a minute to compliment the chairman and ranking minority member of the Interior Appropriations Subcommittee on this bill, and in particular to thank them for including in the legislation a provision to delete \$11.5 million in funding for timber sale preparation in order to cut 10 percent of the below-cost timber sales from our forest system for the 1990 budget.

Mr. Chairman, our Nation has lost a substantial amount of funds at the present time on below-cost timber

sales. In 1987, according to the Timber Sale Reporting Program, 71 out of 123 national forests were below cost in their sales.

The action taken by the Interior Appropriations Subcommittee in addressing this problem by directing the Forest Service to eliminate 10 percent of the below-cost sales in our forest system is a step toward a responsible management of our National Forest System, and I want to compliment the chairman and the ranking minority member.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read.

Mr. YATES. Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of title II is as follows:

TITLE II—RELATED AGENCIES DEPARTMENT OF AGRICULTURE

FOREST SERVICE FOREST RESEARCH

For necessary expenses of forest research as authorized by law, \$149,435,000, to remain available until September 30, 1991.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, \$89,906,000, to remain available until expended, as authorized by law: *Provided*, That a grant of \$3,000,000 shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95-495: *Provided further*, That notwithstanding any other provision of law, a grant of \$3,600,000 shall be provided to the Washington State Parks and Recreation Commission for construction of the Spokane River Centennial Trail.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", \$1,132,426,000, to remain available for obligation until September 30, 1991, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a).

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, \$222,199,000, to remain available until expended, of which \$39,232,000 is for construction and acquisition of buildings and other facilities; and \$182,967,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205:

Provided, That funds becoming available in fiscal year 1990 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed \$112,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$61,988,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$30,000 to remain available until expended, to be derived from the fund established pursuant to the above Act: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Miscellaneous trust funds, Forest Service" may be transferred to and merged with this appropriation for the same time period as originally enacted.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 185 passenger motor vehicles of which 11 will be used primarily for law enforcement purposes and of which 169 shall be for replacement only, of which acquisition of 132 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 43 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used

to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of \$400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest, and for timber sales preparation to replace sales lost to fire or other causes, and sales preparation to replace sales inventory on the shelf for any national forest to a level sufficient to maintain new sales availability equal to a rolling five-year average of the total sales offerings, and for design, engineering, and supervision of construction of roads lost to fire or other causes associated with the timber sales programs described above.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7

U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Forest Service programs.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Service is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to continue the Challenge Cost-Share Program.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided*, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

Notwithstanding any other provision of law, the Secretary of the Treasury is directed to make available to the Secretary of Agriculture, to remain available until expended, all National Forest Fund timber receipts received by the Treasury during fiscal year 1989 from the harvesting of National Forest Timber in excess of \$920,000,000, the 1989 National Forest Fund timber receipts contained in the President's Budget proposal for fiscal year 1990: *Provided*, That such excess amount made available shall not exceed \$35,000,000: *Provided further*, That this estimate of 1989 receipts shall not be adjusted for the purposes of this section: *Provided further*, That such funds shall be made available during fiscal year 1990, and shall be in addition to any funds appropriated in this Act: *Provided further*, That this transaction will not affect, diminish, or otherwise alter the payments to be made in accordance with the provisions of the Act of May 23, 1908, as amended (16 U.S.C. 500) or the Act of July 10, 1930 (16 U.S.C. 577g): *Provided further*, That funds made available to the Secretary of Agriculture pursuant to this provision shall be used for the necessary expenses, including support costs of the National Forest System programs as follows: 6 per centum for National Forest trail

maintenance; 4 per centum for National Forest trail construction; 20 per centum for wildlife and fish habitat management; 20 per centum for soil, water, and air management; 5 per centum for cultural resource management; 5 per centum for wilderness management; 10 per centum for reforestation and timber stand improvement; and 30 per centum for timber sales administration and management, including all timber support costs, for advanced preparation work for fiscal year 1991 and fiscal year 1992 timber sale offerings: *Provided further*, That not later than 30 days after the submission of the President's fiscal year 1991 budget, the Chief of the Forest Service shall provide a report to the House and Senate Committees on Appropriations on the final amount and distribution of funds made available under this section and shall include an assessment of National Forest resource outputs to be produced in fiscal year 1990, fiscal year 1991, and subsequent years, using funds made available under this section, and a comparison of the outputs achieved in fiscal year 1990 and proposed for fiscal year 1991, with the output levels for the program areas listed described in the Forest Service resource management plans in effect at the time of the report required by this section.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), not more than \$48,535,000 of new appropriations shall be available for timber supply, protection and management, research, resource protection, and construction on the Tongass National Forest in fiscal year 1990: *Provided*, That this funding limitation shall not include those funds available to the Forest Service as Trust Funds, Permanent Funds (other than the Tongass Timber Supply Fund), or Purchaser Road Construction.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901 et seq., \$600,000,000 shall be made available on October 1, 1990, and shall remain available until expended, and \$600,000,000 shall be made available on October 1, 1991, and shall remain available until expended: *Provided*, That projects selected pursuant to a separate general request for proposals issued pursuant to each of these appropriations shall demonstrate technologies capable of retrofitting or repowering existing facilities and shall be subject to all provisos contained under this head in Public Laws 99-190, 100-202, and 100-446 as amended by this Act: *Provided further*, That the general request for proposals using funds becoming available on October 1, 1990, under this paragraph shall be issued no later than June 1, 1990, and projects resulting from such a solicitation must be selected no later than February 1, 1991: *Provided further*, That the general request for proposals

using funds becoming available on October 1, 1991, under this paragraph shall be issued no later than September 1, 1991, and projects resulting from such a solicitation must be selected no later than May 1, 1992.

The first paragraph under this head in Public Law 100-446 is amended by striking "\$575,000,000 shall be made available on October 1, 1989" and inserting "\$500,000,000 shall be made available on October 1, 1989, and shall remain available until expended, and \$75,000,000 shall be made available on October 1, 1990": *Provided*, That these actions are taken pursuant to section 202(b)(1) of Public Law 100-119 (2 U.S.C. 909).

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements for which requests for proposals have not yet been issued: *Provided*, That for all procurements for which project selections have not been made as of the date of enactment of this Act no supplemental, backup, or contingent selection of projects shall be made over and above projects originally selected for negotiation and utilization of available funds: *Provided further*, That reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of the first session of the 101st Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, \$422,660,000, to remain available until expended, of which \$249,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909), and of which \$3,500,000 shall be available for continued construction of DOE Fossil Energy building B26: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, \$42,900,000 is for implementation of the June, 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further*, That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1990, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-

sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, \$192,124,000, to remain available until expended: *Provided*, That sums in excess of \$510,000,000 received during fiscal year 1990 as a result of the sale of products produced from Naval Petroleum Reserves Numbered 1 and 3 shall be deposited in the "SPR petroleum account", to remain available until expended, for the acquisition and transportation of petroleum and for other necessary expenses.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$411,367,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1990 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That \$200,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same amounts for each program as in fiscal year 1989: *Provided further*, That \$16,000,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$18,300,000.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$6,641,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), \$194,999,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), \$319,407,000, to remain available until expended: *Provided*, That outlays in fiscal year 1990 resulting from the use of these funds may not exceed \$263,000,000: *Provided further*, That an additional \$108,458,000 shall be made available until expended beginning October 1, 1990: *Provided further*, That notwithstanding 42 U.S.C. 6240(d) the United States' share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$65,232,000, of which \$1,000,000 for computer operations shall remain available until September 30, 1991, and \$2,000,000 for end use energy consumption surveys shall remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by

the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding 31 U.S.C. 3302, funds derived from the sale of assets as a result of defaulted loans made under the Department of Energy Alcohol Fuels Loan Guarantee program, or any other funds received in connection with this program, shall hereafter be credited to the Biomass Energy Development account, and shall be available solely for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program for loans guaranteed prior to January 1, 1987.

Unobligated balances available in the "Alternative fuels production" account may hereafter be used for payment of the guaranteed portion of defaulted loans and associated costs of the Department of Energy Alcohol Fuels Loan Guarantee program, subject to the determination by the Secretary of Energy that such unobligated funds are not needed for carrying out the purposes of the Alternative Fuels Production program: *Provided*, That the use of these unobligated funds for payment of defaulted loans and associated costs shall be available only for loans guaranteed prior to January 1, 1987: *Provided further*, That such funds shall be used only after the unobligated balance in the Department of Energy Alcohol Fuel Loan Guarantee reserve has been exhausted.

Annual appropriations made in this Act and previous Interior and Related Agencies Appropriations Acts shall be available for obligations in connection with contracts issued by the Department of Energy for supplies and services for periods not in excess of twelve months beginning at any time during the fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXV and sections 208 and 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; \$1,189,330,000, including \$23,000,000 for conversion of tribal contracts and agreements to a calendar year basis as authorized by section 204(d)(1) of Public Law 100-472 (100 Stat. 2291), together with payments received during the fiscal year pursuant to 42 U.S.C. 300cc-2 for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through

grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until expended: *Provided further*, That \$17,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund and contract medical care: *Provided further*, That of the funds provided, \$4,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed \$25,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That of the funds provided, \$2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1991: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, \$75,420,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and ex-

penses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, if such care can be extended without impairing the ability of the facility to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act or in the case of tribally administered facilities, shall be retained by the tribal organization without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

DEPARTMENT OF EDUCATION OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, \$74,149,000, of which \$55,041,000 shall be for subpart 1 and \$16,361,000 shall be for subparts 2 and 3: *Provided*, That \$1,600,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1991.

OTHER RELATED AGENCIES OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$36,818,000, to remain available until expended: *Provided*, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Salaries and expenses, Navajo and Hopi Indian Relocation Commission" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), \$4,650,000, of which not to exceed \$350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$231,981,000, of which not to exceed \$2,176,000 for the instrumentation program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise,

\$6,500,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$26,869,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Restoration and renovation of buildings, Smithsonian Institution" may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

CONSTRUCTION

For necessary expenses for construction, \$12,900,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed \$150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$40,789,000, of which not to exceed \$2,370,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$1,905,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Na-

tional Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$4,611,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, \$144,250,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$27,150,000, to remain available until September 30, 1991, to the National Endowment for the Arts, of which \$15,150,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$134,630,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which \$6,400,000 for the Office of Preservation shall remain available until September 30, 1991.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$26,700,000, to remain available until September 30, 1991, of which \$14,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976,

as amended, \$23,000,000, including not to exceed \$250,000 as authorized by 20 U.S.C. 965(b): *Provided*, That the National Museum Services Board shall not meet more than three times during fiscal year 1990.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$516,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, \$5,000,000.

ADVISORY COUNCIL ON HISTORIC

PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, \$1,945,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$3,123,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$28,000 to remain available until September 30, 1991.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,375,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, \$3,150,000, to remain available until expended.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States \$12,000,000, pursuant to the terms and conditions in paragraph 10, section 6, of Public Law 92-576, as amended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, \$2,315,000: *Provided*, That none of these funds shall be available for

the compensation of Executive Level V or higher positions.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 76, line 22, after the word "Act", insert the following: "Provided, That of these funds a sum of \$50,000 shall be available to require that all subgrants shall be made in accordance with the provisions of section 5(c) of the Act".

Mr. ROHRABACHER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. REGULA. Mr. Chairman, the purpose of this amendment is to put accountability into the procedure for the grants for both the National Endowment for the Arts and the Humanities. We recognize that because of the looseness of the procedure we have the problem dealing with the Maplethorpe and Serrano exhibits. This is outrageous. None of us want these things to happen under the NEA program.

The way to address the problem is to ensure that there is accountability on the part of the agencies in question; that they use the Federal funds in a way that will be satisfactory not only to this body but to the people of the United States. Therefore, what we are doing in this amendment is tightening the procedure. We are simply saying what was the congressional intent to begin with, and that is that the chairman of the NEA and the chairman of the NEH shall be fully accountable for any grants made, and that all subgrants have to be made in accordance with existing law, which is section 5(c) of the act.

I think it is important that we develop this approach; that we put this language in the law. Irrespective of what we might do about funding, we do want accountability. If we had had better accountability in the S&L programs, if we had had better accountability in HUD we would not have the problems we have here today. We would not have the problems we have seen in the Defense Department had there been better accountability.

I think we have a right and we need to demand that this happen with NEA and NEH grants.

The problems, and I reemphasize this, that happened in the case of the Serrano exhibit was a case of subgrantees authorizing some limited funding for activities that none of us would want to support. By having this language in the law we preclude this from happening in the future, and we do it without impacting on the ability of NEA or NEH to reach out across this Nation with grants to schools, to museums, to art institutes that we all find very attractive in terms of furthering the arts and humanities programs of this Nation.

I urge my colleagues to support this amendment. I think without question all of us want the chairmen of the respected agencies to be fully responsible to the people of this Nation and to ourselves as Members of the House providing the funding. By adopting the language that I have provided in this amendment we ensure that there will be total accountability in the future.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. ROHRABACHER] insist on his point of order?

Mr. ROHRABACHER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROHRABACHER. Mr. Chairman, I make the point of order that the amendment is in violation of clause 2 of rule XXI which prohibits authorization language on an appropriation bill.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. ROHRABACHER. Mr. Chairman, this amendment, and what my distinguished colleague has said reaffirms this to me, is not just an allocation of money. The gentleman from Ohio talked about ensuring that there is accountability and tightening the procedures. This obviously is not simply an allocation of money, which is what we are talking about in the law.

This amendment requires the executive branch officials to make interpretive judgments, and this is more than an allocation of funds.

The CHAIRMAN. Does the gentleman from Ohio [Mr. REGULA] desire to be heard on the point of order?

Mr. REGULA. I wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this amendment does not violate rule XXI with respect to legislation on an appropriation bill.

The proposed amendment makes no change to existing law. The amendment simply requires the expenditure of funds in accordance with existing law.

The notes to the House rules construe "a provision changing existing law" to mean "the enactment of law where none exists."

The explanatory notes in the House rules are specific to allow for this amendment. The notes indicate, and again I quote from the House rules, "existing law may be repeated verbatim in an appropriation bill."

That is exactly what this amendment does. No changes in existing law are made by this amendment.

Further, the rules specifically make "it in order to include language descriptive of authority provided in law

for the operation of Government agencies and corporations so long as the description is precise and does not change that authority in any respect."

Mr. Chairman, my amendment complies with these rules, and I urge that the point of order be overruled.

□ 1300

The CHAIRMAN. Does the gentleman from Illinois [Mr. YATES] desire recognition on the point of order?

Mr. YATES. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized.

Mr. YATES. Mr. Chairman, this amendment by the gentleman from Ohio requires that all subgrants be made in accordance with the provisions of 5(c) of the act. It does not change the law in any respect.

Section 5(c) of the act says that the Chairman, with the advice of the National Council on the Arts, is authorized to establish and carry out the program of contracts with, or grants-in-aid or loans to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts for the purpose of enabling them to provide or support projects, and then it goes on, there is a whole list of things. But the point is that these grants are to be made only by the Chairman with the advice and consent of the Council. There is no authority in this law providing for subgrants.

Now in discussion prior to this it was argued that section (d) might be applicable. But section (d) which says that no payment may be made to any group under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations and procedures established by the Chairman.

There is nothing in that that contravenes the requirement of 5(c). All this says is that when a person makes an application he follows the guidelines that are set forth by the Chairman. But the Chairman has no authority, the Chairman has no authority to establish guidelines that contravene the basic statute.

The basic statute sets forth a direction that the Chairman makes the grants. It gives no right to the Chairman to delegate authority to anybody to make further grants. He can make grants to a certain level, to a proposed subgrantee, but there is nothing in here, even if the Chairman were to establish a guideline that authorizes that, that guideline would not be valid because it is not authorized by any section of the law.

That would give the Chairman the right to supersede a direct provision of the law. To me the law is clear, that the only person who can make these

grants is the Chairman with the advice of the Council. No subgrantee can make grants of any kind.

All that Mr. REGULA's amendment does is to recite the actual provisions of the law.

May I cite further, Mr. Chairman, reading from the discussion of rule XXI, which appears on page 583 of the House Rules and Manual of the 100th Congress, it says this: It is in order to include language descriptive of authority provided in law for the operation of Government agencies and corporations so long as the description is precise.

That is exactly what Mr. REGULA's amendment does, without violating the rule.

It is exactly precise. I cannot agree to an interpretation which says that the Chairman of this Commission is given authority to go above and beyond the law if he creates guidelines for it.

The law is clear. It says that the Chairman only may do it. He cannot say, "I give this authority to somebody else because I have drafted these guidelines."

The CHAIRMAN. The Chair will recognize the gentleman from Montana [Mr. WILLIAMS] on the point of order if he desires to be heard.

Mr. WILLIAMS. If the gentleman's time has expired, I will seek time on my own.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the Chair. While awaiting the ruling of the Chair, I do want to note as chairman of the committee, the authorizing committee which has jurisdiction over the National Endowment of the Arts, we have, of course, looked very carefully at the gentleman, Mr. REGULA's amendment and I would associate myself with the remarks of the gentleman from Illinois.

In our opinion, the gentleman, Mr. REGULA's amendment does not usurp jurisdiction from our Postsecondary Subcommittee and we are supportive of the gentleman's amendment and supportive of his offering of it.

The CHAIRMAN. Does the gentleman from California [Mr. ROHRABACHER] desire to be heard further?

Mr. ROHRABACHER. Yes, if I could speak further on my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Nothing that I have heard takes away from the point that this is not legislation on an appropriations bill. If it is not, why do we need to have it? There is lots of money in the bill already.

What we are doing is creating an enforcement program to enforce the law,

and that is what is happening, that is what is being offered here today.

No matter what word we use to describe it, this is legislation on an appropriations bill. It is not merely providing some more money for the National Endowment for the Arts in a general sense. And it is specifically aimed at a new enforcement program. If that is not legislating on an appropriations bill, I do not know what is, and I am waiting for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Illinois [Mr. YATES] seek further recognition?

Mr. YATES. Mr. Chairman, the gentleman is entirely incorrect.

What Mr. REGULA's amendment does is cite the provision of law, of existing law in order that the Chairman of the National Council of the Arts no longer persists in going beyond the law.

What this does is to state again the purpose of the Congress when it passed the law, that only the Chairman with the advice of the Council has the right to make those grants, nobody else.

He cannot delegate that. If he is to have the power of delegation, that has to come from the legislative committee. It has not come from the legislative committee.

The power rests exclusively in the hands of the chairman, with the advice and consent of the Council, and that is the reason for it.

The CHAIRMAN (Mr. BOUCHER). The Chair is prepared to rule.

Section 5(c) on its face only establishes guidelines for grants from the NEA to primary grantees and subsection 5(d) then appears to confer discretionary authority on the Chair of the NEA to promulgate regulations that govern subgrants.

Language on page 127 of the committee report supports the suggestion that existing law does not specifically require that NEA subgrant regulations be promulgated or governed by the guidelines in subsection 5(c) (20 U.S.C. 954), or that subgrants be submitted to the NEA for final approval.

An amendment which infringes upon discretionary authority in law, is legislation under the precedents contained in section 51 of chapter 26, volume 8 of Deschler's precedents, where the proponent of the amendment does not sustain the burden of showing that the amendment merely recites the current applicability of existing law.

Quite specifically a precedent may be cited which is on point: On April 2, 1937, during consideration in the Committee of the Whole of the District of Columbia appropriations bill, it was held that language in an appropriation bill directing the Public Utilities Commission to make an investigation, where existing law authorized it in its discretion to make that investigation

was held to be legislation and was not in order on an appropriations bill. (Deschler's vol. 8, ch 26 § 517.)

Accordingly, the point of order is sustained.

Mr. YATES. Mr. Chairman, I move to strike the last word.

With respect, Mr. Chairman, and I do not like to take issue with the Chair after it has made the ruling and I do not intend to. I only wanted to point out that I thought the language in our report supported the argument that I was making, by saying that it appears that NEA and NEH make the usual thorough review of their grants to subgrants, neither NEA nor NEH makes any review of the subgrantees or of their work or of their applications. That review is left to the subgrants who make the awards, a delegation of the grantmaking authority that is not recognized in the basic statute.

In other words, I am making the point in the report that there is no authority for that delegation, and that was the argument.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER: Strike page 76, line 14, through page 77, line 10.

□ 1310

Mr. Chairman, my amendment, would save the taxpayers \$171 million in 1 year by striking funds for the National Endowment for the Arts.

In an age when Government is piling up a mountain of debt and is struggling to fund critical programs that affect human health and saves lives—like prenatal care, school lunches, and Medicare—the time has finally come for us to recognize the difference in programs that are essential, and programs that are not necessary, and, in this time of budget crisis, should be zeroed out.

Those who gave artist Anders Serrano 15,000 taxpayer dollars to fund his work of art entitled "Piss Christ," did more than offend most of the Nation. They set off a national debate on the value of Government funding of the arts. Is a picture of Jesus Christ hanging from the cross submerged in a jar of urine worthy of Government funding? The answer is "no".

Then there is the work of Robert Mapplethorpe. Thirty thousand Federal dollars went to an exhibit featuring nude photographs of children, homoerotic shots, and a sadomasochistic self-portrait of the artist himself. Your votes will decide if this is worthy of subsidization.

Some of my colleagues with equal concern about these outrageous wastes of taxpayer funds will advocate tighter control of Government funding and

greater government censorship of the arts. I believe that censorship is not the solution. The answer is getting the Government out of the arts.

The chairman of the subcommittee, Mr. YATES, has stated that such kinds of problems and objections with the national endowments for the arts are extremely rare. But whenever the Government gets involved in areas in which it should not be involved, abuses happen. The problems at the NEA are not new or extremely rare.

The NEA has in the past funded what many taxpayers would consider vulgar, obscene, and sheer perversity. In 1977, the NEA helped fund the Gay Sunshine Press which published sexually explicit stories. The funding continued through 1984 to the tune of \$40,000. I don't care if it's explicit heterosexual literature. Our taxpayers shouldn't be subsidizing these kind of questionable projects. What private citizens choose to finance or purchase is their business.

Decisions about what type of Art should be funded should be made by private individuals and organizations that appreciate art and its beauty and have the ability and willingness to support it. Government panelists should not be given the privilege to impose their tastes on both the artists and the taxpayers.

The National Endowment for the Arts has guidelines that supposedly address the funding of such outrages as "Piss Christ." Title 20 United States Code section 959 requires NEA panelists "to recommend funding only applications and projects that in context are reflective of exceptional talents, and have significant literary, scholarly, cultural or artistic merit." By funding "Piss Christ" Somebody at the NEA obviously believed "Piss Christ" has cultural or artistic merit. These guidelines obviously do nothing to stop outrages from being funded with taxpayer expense.

Artists say that the Government has no right to interfere with or censor the work of artists. Surely. However, the Federal Government does, have the power to control what it subsidizes. The taxpayers shouldn't have to pay for whatever outrage or trash an artist dreams up. Artists can do what ever want with their own time and with their own dime.

Today we are going to hear that it is important for Members to fund our "cultural heritage." Many will argue that funding the NEA will encourage and enrich the human mind. The committee report indicates that "The art of our country leads the world, and this is attributable in no significant measure to the role played by the NEA." America leads the world in art and has a great cultural heritage not because of government funding.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. ROHRBACHER of California was allowed to proceed for 2 additional minutes.)

Mr. ROHRBACHER. America leads the world in art and has great cultural heritage not because of government funding but because of the creativity and dedication of our artists and the individuals, and the foundations and corporations who support them. If the NEA disappears, art would still prosper. As New York art critic James Cooper recently noted, "we have spent more on public art than they spent on the entire Italian Renaissance, but the Pope got works by Michelangelo, Raphael, and Leonardo. Americans have gotten short-changed with 'Piss Christ,' 'Bat Column,' and 'Tilted Arc'."

There is no shortage of private financial support for the arts. The American Association of Fund-Raising Councils calculates that in 1987 private citizens, corporations, and foundations donated \$6.41 billion to arts, culture, and the humanities. This is 25 times as much as the Federal Government spends on cultural advancement. Federal subsidy of the arts in our country accounts for only 5 percent of the total budgets of established art institutions. If funds for the NEA are cut, the private sector will surely fill any holes and gaps that remain.

If we are in a time of budget crisis, and I believe that we are, we cannot continue to fund every program that comes along. Funding for child care, prenatal care, and Medicare is simply more vital than funding the arts.

I urge my colleagues to support my amendment. It is a step forward for fiscal responsibility. It will put an end to an expensive form of upper class subsidization and it will save the taxpayers over \$171 million a year. Let's do away with our version of the ministry of culture. We no longer can afford it.

Mr. AUCCOIN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I hope my colleagues will reject this amendment. This amendment has been offered on the basis of a confused series of reasons stated by the gentleman from California.

First, he said there is waste in the National Endowment for the Arts, and therefore, we ought to zero out all funding for the National Endowment for the Arts.

The gentleman is a very strong advocate of the Defense Department. If the gentleman would follow his own logic on the Department of Defense budget, the gentleman would then, because of those \$2,000 toilet seats, wipe out the entire Defense budget of the Government of the United States. He would eliminate the Defense budget

because of the \$400 light bulb and the \$600 claw hammer.

Let's get serious; there are abuses in every agency. But, I'll put the track record of the National Endowment of the Arts up against any agency in the Government. I certainly will compare the budget of the National Endowment of the Arts any day in terms of abuses to those of the Department of Defense.

There's no scandal in the National Endowment of the Arts anywhere comparable to the Pentagon procurement ripoffs that the gentleman knows about. So I would ask the gentleman if the identification of a single abuse is a reason for completely eradicating a budget. If so, I expect the gentleman to vote against the Pentagon budget this year.

Mr. ROHRBACHER. Mr. Chairman, will the gentleman yield?

Mr. AUCCOIN. I yield to the gentleman.

Mr. ROHRBACHER. Mr. Chairman, my point has never been that.

Mr. AUCCOIN. Did the gentleman see this \$2,000 toilet seat?

Mr. ROHRBACHER. My point has never been that, because there is waste we should zero this out. My point has always been this is an area that the Federal Government should not have been in the first place.

Mr. AUCCOIN. Mr. Chairman, I reclaim my time.

I did hear the gentleman say that this was an abuse of spending and that he was offering an amendment that zeroes out the entire budget of the National Endowment of the Arts.

With regard to the gentleman's statement suggesting that NEA spending is wasteful spending, I call to the Member's attention that the total amount of savings under the gentleman's amendment is \$170 million—\$170 million.

I want my colleagues to put this in perspective.

We had testimony before our committee from a choreographer from New York a few years ago.

□ 1320

I think it was during the first year of the Reagan administration when the White House wanted to zero out the National Endowment for the Arts.

The choreographer said:

Look, the Trident Submarine fleet is a fleet of submarines that are each 300 feet long and the total program cost works out to \$200 million a foot. So if you made those 300-foot submarines one foot shorter, you could save \$200 million—the entire amount for the Nation Endowment for the Arts.

And the choreographer further said:

And you know what? I don't think the Navy would even notice the difference. As a matter of fact, it has been my observation that things submerged under water actually look larger—so I know the Navy would not notice the difference.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I am not going to yield at this point.

Mr. DANNEMEYER. Mr. Chairman, I am asking the gentleman to yield.

Mr. AuCOIN. I am not going to yield at this point.

The CHAIRMAN. The gentleman from Oregon [Mr. AuCOIN] controls the time.

Mr. AuCOIN. Mr. Chairman, I would just suggest to the gentleman that if he wants to look for significant savings, he should ask the Pentagon or the Department of the Navy to shorten those submarines by a few inches or by a foot and save enough money for the National Endowment for the Arts. That could be done and the Navy would not notice the difference. Things do look larger when you submerge them under water. Then we could have funding for the arts—something that does make a difference to the American people.

We talk about the arts endowment being something is elite. Let me tell the Members this: I have sat on the Interior Appropriations Subcommittee for 8 years. We have chronicled year after year the work of the National Endowment for the Arts.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(By unanimous consent, Mr. AuCOIN was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. Mr. Chairman, the record is replete with testimony from enlightened Republicans and Democrats, as well as other people who have followed this issue across the country. It is replete with their testimony and with documents that show that it is grants from the National Endowment for the Arts to obscure small town and rural companies, dance companies, artists' enterprises, and artistic endeavors that enable the arts to reach into populations that otherwise are not included by the arts.

Let me tell the Members what the consequences of eliminating the budget for the National Endowment for the Arts would be. The Metropolitan Opera would do nicely. No one in New York would notice the difference. I would imagine that the National Symphony in Washington, DC, here in our Nation's Capital, would not be scathed at all. But I would ask the gentleman from California whether in San Antonio, TX, the Guadalupe Cultural Arts Center would have the necessary corporate support that it otherwise would have, sitting out there in San Antonio, TX, or whether the Texarkana Regional Arts and Humanities Council in Texas would be able to develop adult education opportunities in that particular region or whether it would be funded by private contributions.

These are not well-noticed places in the country. They are examples of hundreds of artistic enterprises throughout the country in every Members' district. They are run by and enjoyed by good folks who would like to have exposure to visual arts, dance, to opera, to symphonies, and it is with grants by the National Endowment for the Arts that this is possible. As a result, we have touring companies reaching children who do not have chances in small rural areas or in schools that are not in urban areas where major artistic institutions are located.

No one can tell me—and the record does not show—that cutting out funds for the National Endowment for the Arts means that private givers will fund those kinds of artistic opportunities. They will not.

So, Mr. Chairman, I suggest that we defeat this amendment.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(On request of Mr. Dicks, and by unanimous consent, Mr. AuCOIN was allowed to proceed for 3 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would like to point out that historic record contradicts what the gentleman from California has suggested. When the National Endowment for the Arts was created in the 1960's, the total amount from private contributions for the arts in this country was very, very small. Since that time, as the Endowment has grown very gradually, we have seen an enormous explosion of private sector contributions.

A few years ago there was a long article in the Wall Street Journal that explained why that was so. The private sector looked to the Endowment as a kind of Good Housekeeping Seal of Approval. They said that their panel system was one of the most objective that had ever been seen, and that private business leaders in the country felt that if the Endowment had blessed a certain art activity, therefore, it gave them confidence, because they did not have the staff or the capability to review the various requests that were coming in, to then go ahead and make additional private sector contributions.

I believe that if the leaders of the private community were here today, the members of the private sector who are involved in the funding of the arts, they would say that it is because of the National Endowment for the Arts and its growth over the years that the members of the private sector have responded very generously.

If the gentleman from California succeeded with this amendment today,

I would predict that private sector contributions would start to trail off because the signal would be there that this is no longer a priority of the people of this country, that the Congress had kicked this program in the teeth and eliminated the funding, and I think it would be a tragic mistake and an error.

The Chairman's report shows that we have had only 20 cases of some question out of 85,000 grants. I agree with the gentleman from Oregon, that if we are worried about waste, fraud, and abuse, we should worry about the Pentagon, because that is where we find waste, fraud, and abuse. The review of this program has been scrutinized more closely than any part of our Government.

Mr. ROHRBACHER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. Let me proceed on my own time.

Mr. Chairman, I think the gentleman from Washington is making a very good point. He sat through the hearings that I have sat through for the last 8 years, and if anyone is concerned about elitism in this country and funding for the elite, the best way to get elitism in the arts is to scrap all NEA funding. That would leave only the best known institutions in the country getting funding. That's what I call elitism. Unfortunately the talented, obscure, startup artistic enterprises around this country in small places where art and talent is available, but not nationally recognized, will be missed by the corporate givers. They have testified to this effect year after year before our committee. If we want to get away from elitism, we should support the National Endowment for the Arts.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. AuCOIN] has expired.

(On request of Mr. Dicks, and by unanimous consent, Mr. AuCOIN was allowed to proceed for 30 additional seconds.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think it is embarrassing that we are here, the greatest country in the free world, concerned about this budget. We should have a budget for the arts in this country that is double or triple the amount that is in this budget. When we think about the great countries of the world that spend much more on the arts than we do, it is embarrassing that we, the leaders of the free world, can only do this much for creativity and for the arts.

Mr. AuCOIN. Mr. Chairman, if we want elitism in the arts, we could just cut out all funding for the National Endowment for the Arts. Then only

the elite would be funded. If we want the arts to reach all the communities of the country, we should fund this program, because it does good for America.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, it seems to me that the amendment is founded on two false premises.

The first is that because certain awards have been controversial or can reasonably be subject to criticism we therefore ought not to fund the National Endowment for the Arts.

I am not an artist, and I am not an art critic. But I know enough history to know that when the impressionist movement started, there were many who thought that its works were ludicrous. When the cubist movement started, there were many who thought its works were ludicrous. We could go through art movement after art movement and find similar experiences. I suppose if we had had a National Endowment in those days and it had funded some of those works which are now universally accepted as important works of art, we would have had Members on the floor of this House criticizing the National Endowment for what it did.

But then the second argument is made that, "Oh, it is not really because of that that we want to zero out the National Endowment; it is because government doesn't belong in the business of art at all."

Does anyone really believe that in this House? Does anyone suggest that all our local governments should close their art museums because government does not belong in art, because someone has to choose what hangs there, someone who is a government employee? I would suggest that that is absolutely wrong.

I think government has a role in the arts. It is a role which one must monitor carefully, because we do not want an academy; we certainly do not want government dictation in the arts. But it seems to me that with the kind of safeguards that we have hedged around the National Endowments we have found a very proper role for the Federal Government in the arts, one which greatly improves the artistic life of this country and one which gives a great population in this country that otherwise would be denied access to the arts an access to some of the fine things in life.

□ 1330

Mr. Chairman, I think that we can be proud of what we have done with the National Endowments. I particularly want to salute the chairman of the Interior Appropriations Subcommittee, Mr. YATES, and its ranking minority member, Mr. REGULA for the

strong support they have given the National Endowments over the years. I think they have contributed greatly to the life of this Nation through their efforts, and I thank them for it.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an extreme amendment. This is justice as it is accorded in Iran. This is like the justice of Ayatollah Khomeini to the claimed blasphemy in Salman Rushdie's book, "Off with His Head," cried the Red Queen in Alice in Wonderland.

This amendment does the same for the National Endowment for the Arts because of two grants, one to Robert Mapplethorpe, and one to Serrano. The amendment would cut off all funding for the arts. The gentleman is not concerned with the effect that his amendment will have on the innocent bystanders who have nothing whatsoever to do with the grants.

What about the symphonies in the country? What about dance? What about theater? What about the folk arts? What about the museums? They have nothing to do with these grants. They exist in great measure because of the funding that comes to them from the National Endowment and from the challenge grants that the National Endowment initiates and which they can use to obtain private contributions.

Mr. Chairman, this is an extreme amendment. It is interesting that the gentleman made a point of order to the amendment of the gentleman from Ohio [Mr. REGULA] which sought to correct the kind of procedures that the gentleman condemns, which he says were responsible for the Serrano grant in the first place. As I pointed out to the Chair in my opposition to the point of order, the chairman of the Endowment is required to make the grants. There is nothing in the law that authorizes subgranting or a delegation of the granting authority. The report on the bill contains language that would correct the procedures, both the chairmen of both the Endowment for the Arts and the Humanities have expressed a willingness to accept those procedures.

Mr. Chairman, from now on there will not be the procedures that allow the approval by a subgrantee of a grant to another, to a further subgrantee. All grants will have to be approved by the chairman and the council just as all other grants are approved.

My colleagues, every civilized country in the world subsidizes the arts. There is not one that does not provide more money for its arts than does the United States. Cities in Germany give more for just the opera than we make available for the entire budget for the National Endowment for the Arts. The civilized countries of the world—Eng-

land, France, Italy, Norway, Sweden—all of them subsidize the arts.

Mr. Chairman, the gentleman from California [Mr. ROHRBACHER] would end our subsidization for the arts. I say to the gentleman look at the record, look at the record. The gentleman from California obviously has not looked at the record of NEA. Eighty-five thousand grants over 24 years, out of which less than 20 have been controversial. Only one-quarter of one-tenth of 1 percent of all those grants have been controversial. I think that is a record that deserves commendation rather than one that seeks censure of the kind the gentleman speaks about.

When it was brought out that the Department of Defense was spending \$600,000 for toilet seats, there was not any motion to stop the purchase of toilet seats by the Department of Defense. Are we going to close down HUD because of what has happened in granting the millions of dollars, the losses to the taxpayers, because of favoritism or because of fraud or abuse? No, we are going to let Jack Kemp clean it up.

Now we have got a new chairman, a new chairman appointed by the President, for the National Endowment for the Arts. The amendment of the gentleman from California [Mr. ROHRBACHER] would just pull the rug right out from under him. I do not think that is fair.

What has happened to the leadership of NEA to our artists? We are the leaders in the world in the field of arts. The amendment of the gentleman from California [Mr. ROHRBACHER] would destroy that. We are proud of that.

Mr. Chairman, I am proud to be the chairman of the Appropriations Subcommittee that is charged with funding our national parks, our national forests, our public lands, our fish and wildlife refuges. We are proud on our subcommittee to have charge of keeping America's natural loveliness beautiful, not only for this generation, but for our children and the generations to come. The wonders of America, the natural grandeur, are unsurpassed anywhere in the world, and I wish we could appropriate more money to do an even better job.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, I am proud, too, in spite of what the gentleman from California [Mr. ROHRBACHER], has said, I am proud, too, of the record that our committee has made in supporting and fostering the arts all over the country. This is not just in the big cities, as was pointed out by the gentleman from Oregon [Mr. AU COIN]. The big cities' arts will in great measure get their money, but it is the areas of the country that are

not reached by the arts that will be hurt. The amendment of the gentleman from California [Mr. ROHRBACHER] would destroy the Arts in America Program on television which goes to the homes of America, the only way that some areas of America can get access to the arts.

I say to my colleagues, "please vote against the amendment of the gentleman from California [Mr. ROHRBACHER]. Don't do this to the arts, and don't do this to the United States because the United States will suffer as a result of the gentleman's amendment."

I think we ought to be proud of what we have done in the arts in the United States, and I hope the amendment of the gentleman from California [Mr. ROHRBACHER] is defeated.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the gentleman from Oregon [Mr. AUCOIN], "If you lost 10 pounds, would the cost of your suit be reduced?"

So, if we cut a foot off of that submarine, we are not going to reduce the cost of the submarine.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, if the gentleman from California [Mr. DANNEMEYER] can tell me how I can lose 10 pounds, I will be eternally grateful for it, and I might even join him on some of his amendments.

Mr. DANNEMEYER. Mr. Chairman, that wisdom will come when the gentleman from Oregon [Mr. AUCOIN] votes for this amendment.

Mr. Chairman, I rise to support this amendment for two reasons. The first one is the principal reason why we should all be supporting it. The second one, I will describe my reasons for that as well.

The first one is quite simple. This year we are scheduled to add to our national debt some \$261 billion. That is the latest estimate. Last year, this year, next year we will have added roughly three-quarters of a trillion dollars to the national debt of this country. In the decade of the eighties we began with a debt of a billion. We will end it with a trillion. The cost of paying for this debt, mountain of debt, is almost identical in this year to what our general fund deficit is, a quarter of a trillion dollars.

Mr. Chairman, my point is that we should phase out this expenditure, not because it is not meritorious. I believe I favor art. Who is against art? I am not against it.

However, Mr. Chairman, when we have a shortage of money, we have to make some choices as to what we are going to fund. It is very simple.

My suspicion is, if we asked our average constituent in town hall forums

around this country, "Do you believe we should be spending in excess of \$171 million next year for art?" they would say, "Are you kidding?"

Give the taxpayers a little relief in this country, and that is what I think the amendment of the gentleman from California [Mr. ROHRBACHER] seeks to do.

The second reason is that the game that is played in the world of the bureaucracy is: "Insulate yourself from accountability for what your grantees do. The way they do that is what they have done. The guy directing it says, 'Well, I don't determine what they do with their money. I delegate that function to the subgrantees.'"

□ 1340

They are the ones that you should look at and they say, well, Congress cannot reach them.

Well, I suggest to my colleagues, we can reach these people and get their attention.

My second reason for supporting this amendment is because there was a \$75,000 grant awarded to the Southeastern Center for Contemporary Art in Winston-Salem, NC, which was used to partially fund a photograph by New York artist Andre Serrano. The large, vivid photo entitled "Piss Christ" depicts Christ hanging on a plastic crucifix submerged in a jar of Mr. Serrano's urine. For his work and others in this series, including "Piss Pope" and "Piss God," Mr. Serrano was awarded a \$15,000 grant.

I think it is tragic that taxpayers' money is funding this kind of trash.

Another highly questionable grant of \$30,000 was awarded to support the national tour of an exhibit of photos by Robert Mapplethorpe, who died of AIDS in March. The homosexual activist's homoerotic work called "The Perfect Moment" is not only highly explicit, but also contains nudes of children. Mr. Mapplethorpe's work was displayed by the Institute of Contemporary Art in Philadelphia, later ran in Chicago at the Museum of Contemporary Art, and was scheduled to be exhibited at the Corcoran Gallery of Art here in Washington, DC, before it was hastily canceled in the wake of public outcry.

The way we can get their attention is to adopt this amendment by the gentleman from California, just knock it out.

Now, \$171 million is not going to balance the budget, but it might give encouragement to the overburdened taxpayers of this country that there is somebody in this institution willing to vote from the standpoint of protecting taxpayers, rather than the beneficiaries of those who get the money.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. YATES, and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, in order to balance the budget, the administration has recommended the sale of several of the naval petroleum reserves. I assume the gentleman supports that.

Mr. DANNEMEYER. If we can get market value for the asset, fine.

Mr. YATES. Well, in order to balance the budget, why does the gentleman not advocate selling Yosemite to developers then? Think of all the money developers would pay for front-ages in the Yosemite National Park.

Mr. DANNEMEYER. I do not favor selling Yosemite.

Mr. YATES. Why not close the parks, just as the gentleman wants to close the arts?

Mr. DANNEMEYER. I do not favor selling Yosemite, but I do favor this amendment. Take one step at a time.

If the gentleman wants to offer selling Yosemite, we will take that up. I do not favor that, because I think that is irrational and a silly, to be honest with the gentleman, but I think this is a responsible amendment that gives us an opportunity to cut out at least \$171 million, which we cannot at this time afford.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, did the gentleman support the Reagan budgets? He did, did he not?

Mr. DANNEMEYER. If the gentleman will examine my voting record, I voted for one in the 8 years he was here.

Mr. AUCOIN. I think the gentleman was in support of the Reagan budgets. I tell the gentleman, the Reagan budget was \$170 million—

Mr. DANNEMEYER. I will reclaim my time. I asked the CBO and the OMB to prepare an analysis comparing the spending requests of the Reagan administration—

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, although I oppose the amendment of the gentleman from California, I think we should not lose sight of the importance of the amendment.

I believe that the offering of it is not timely, because the endowments which are under the jurisdiction of the committee which I chair, the Subcommittee on Postsecondary Education of the Committee on Education and Labor, because the endowments are sched-

uled to expire at the end of September next year. The gentleman's amendment, along with being untimely, is in my judgment being offered for the wrong reason.

The gentleman offers it because he tends not to like certain art that has been funded, apparently, by the endowment.

We ought not to be considering this matter because we do not like certain works of art. There has been, throughout the history of humanity, art that has been found to be scandalous, obscene, or heretical. Let me share some of those works of art with you.

In 1857, an artist was hauled into court on charges of obscenity because that artist wrote a novel, "Madam Bovary."

In 1535, an English Saint, Sir Thomas Moore, was burned at the stake in part because he wrote a book that was not accepted at the time, "Utopia."

Michelangelo made a painting in the Sistine Chapel called "The Last Judgment." There was nudity in characters in that painting and a pope later Commissioned one of Michelangelo's students to paint draperies on that great work of art.

James Joyce wrote the novel "Ulysses."

D.H. Lawrence wrote "Lady Chatterley's Lover."

Henry Miller wrote "Tropic of Cancer."

They could not find publishers for their works and they had to be published privately. The United States of America used to regularly confiscate those works if they found them in the baggage of travelers coming into the United States, until a Federal court found that such confiscation was unconstitutional.

Now, of course, we study those as great works of writing and art.

Shakespeare wrote "A Merchant of Venice." Many found it to be obscene.

D.H. Griffiths had a pioneering full-length film called the "The Birth of a Nation."

It is now hailed as one of the great films of all times, but many Americans found it very questionable and wanted it banned.

Finally, Mark Twain wrote "Huckleberry Finn" and the predecessors of some of the gentlemen on the right, and perhaps even some of them, are still trying to take "Huckleberry Finn" out of America's libraries.

Censorship is a dangerous thing. It rides on the risky tides of preference of the day.

The gentleman's amendment is worth consideration, worth debate, and when we move to reauthorize the National Endowment for the Arts I intend, as chairman, to consider these two perhaps irreconcilable forces that are on the same track heading each toward the other. One force is the

right of the taxpayers to determine through this body how their money shall be spent. The other undeniable right is the freedom of artists.

If we have come to a time when the National Endowment for the Arts has become the official sanctioning censorship agency of the U.S. Government, then the National Endowment for the Arts should go, but let us decide that not through the appropriations process, but rather through the hearings process under reauthorization.

The CHAIRMAN. The time of the gentleman from Montana has expired. (By unanimous consent, Mr. WILLIAMS was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman in the reauthorization process take under consideration the language that I offered to put strict accountability on the chairman of both NEA and NEH? We had a parliamentary objection to the accountability provision, as the gentleman well knows. I just wanted the gentleman's reaction to including this in the authorizing legislation.

□ 1350

Mr. WILLIAMS. Mr. Chairman, as I mentioned when I spoke in support of the gentleman's amendment, I believe it was a good amendment, disagreed with the ruling of the Chair, and do expect that my subcommittee, with the ranking member from Missouri, will want to consider and perhaps adopt the gentleman's amendment during the reauthorization process.

Mr. HENRY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I strongly urge my colleagues to reject what I will call an ayatollah amendment. The whole approach here is because several mistakes were admittedly made that we ought to chop off the head of the National Endowment for the Arts, and then when that amendment fails, presuming it does, they will come and say, "Well, just chop off their hand," and then they will come back this afternoon and say, "Well, let us just chop off their little finger."

The fact of the matter is that the National Endowment for the Arts has established a simply outstanding record of broadening the cultural base of activity for all the people in this Nation. As the distinguished chairman of the committee has pointed out to this body, in over 80,000, 80,000 grants over the history of this agency, only some 20 or so have generated controversy, and it was the chairman and our ranking member of the committee who proposed language to put in this bill to resolve the dispute on the subgranting process that allowed the in-

stances in question to develop in the first place.

It is the very person who proposes the amendment to eliminate the National Endowment for the Arts completely who objected to that language being put in the bill. The record speaks for itself. The gentleman sponsoring this amendment attacks two salacious, admittedly salacious, in my personal point of view, grants in terms of artistic merit and uses that to impugn the entire agency and goes on and on and on and then seeks to interfere with the ways of addressing that and says, "That is really not what I object to. I just object to any funding of the arts."

Mr. Chairman, I did not see the gentleman get up and suggest we also ought to close down the National Endowment for the Humanities. Let us be completely culturally illiterate. Let us close down all arts and culture in this country. Is that what the gentleman wants?

The gentleman sits with me on the Committee on Science, Space, and Technology. We have a major crisis in our committee with the National Academy of Sciences and the National Science Foundation because of corruption in the peer review process. The gentleman is aware of that. Shall we just cut all Government scientific infrastructure support? What about cutting the military bands? Military bands alone of the Department of Defense budget: We spend more on military bands alone than the entire National Endowment for the Arts budget. Maybe the gentleman ought to come back when we do the defense bill several weeks from now and consider offering his amendment there.

I submit that it is poorly considered, and in some respects at some risk, Mr. Chairman, I suggest it is somewhat inconsistent to present this amendment having objected to the very attempt that has been made to prevent the kinds of problems we had this year from reoccurring.

I strongly urge my colleagues to oppose the amendment.

Mr. CAMPBELL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the only professional artist in the Congress, one might say I take a personal interest in art in America.

The National Endowment for the Arts has been instrumental and has contributed greatly to this Nation. From an economic standpoint, in my State as in many States, our cultural industry is supported by grants of the NEA and is a potent force in Colorado's tourism attractions.

I am repelled, as many of my colleagues are, at some of the pieces of art being disguised as art or used with

the term "art," and to describe them that way is unfortunate.

This appropriation bill is not the place to punish the NEA for that controversy. The management of the NEA should be left to them and should not be the recipient of a meat-ax approach by Congress.

I think we are all concerned about accountability within the NEA, and certainly hearings should be held to get at the root of that problem, if there is that problem. A capricious cut in the funding for that program that supports this very valuable community arts program would be very harmful to us from a nationwide standpoint.

They get about \$144 million per year, as I understand it, while we spend almost that much on the Bradley tank, which sinks, and we spend three times that much on the B-1 bomber, which falls out of the sky.

I know that this is a great discussion item for grandstanding against the arts. We all know the danger of throwing the baby out with the bath water, and I urge my colleagues to vote against the amendment.

Mr. DANNEMEYER. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from California [Mr. ROHRBACHER], to H.R. 2788, the Department of Interior appropriations bill. The amendment before the House would eliminate all Federal funding for the National Endowment for the Arts [NEA].

This year, we are proposing to provide in excess of \$171 million to the Endowment. In light of the massive Federal deficit looming over America, I question why the Federal Government should provide this type of funding when in fact, during 1987 alone, a whopping \$6.4 billion was donated by private individuals to further the arts and humanities. A March 1988 CBO report entitled "Reducing the Budget" states that the Endowment's programs actually benefit higher income persons more than those with lower incomes.

Aside from my fiscal concern, there are other compelling reasons to eradicate the Endowment's funding. Unlike most Federal agencies, which use full-time staff employees to make grants or set amounts, the Endowment has for years recruited panels of independent specialists from the world of music, theater, dance and the other art to select recipients and determine the size of grants. Panel recommendations are almost always accepted, and the panels enjoy the luxury of not being asked to account for any inconsistencies in their decisions.

One of the most controversial lapses in judgment was a \$75,000 grant, awarded to the Southeastern Center for Contemporary Art in Winston-Salem, North Carolina, which was used to partially fund a photograph by New York artist Andres Serrano. The large, vivid photo entitled "Piss Christ" depicts Christ hanging on a plastic crucifix submerged in a jar of Mr. Serrano's urine. For his work, and others in this series including "Piss Pope and Piss Bod," Mr. Serrano was awarded a \$15,000 grant.

Another highly questionable grant of \$30,000 was awarded to support a national

tour of an exhibit of photos by Robert Mapplethorpe, who died of AIDS in March. The homosexual activist's homoerotic work called "The Perfect Moment" is not only highly explicit but also contains nudes of children. Mr. Mapplethorpe's work was displayed by the Institute of Contemporary Art in Philadelphia, later ran in Chicago at the Museum of Contemporary Art, and was scheduled to be exhibited at the Corcoran Gallery of Art here in Washington, DC before it was hastily cancelled in the wake of public outcry. These are not two isolated incidents but rather are part of disturbing pattern demonstrated by the Endowment.

When asked in a personal inquiry last April if the Endowment accepted responsibility for this type of expression, Hugh Southern, Acting Chairman of the NEA, stated "the Endowment is forbidden in its authorizing legislation from interfering with the artistic choices made by its grantees. The limitation reflects the concern that Federal funding for the arts would result in Government intervention in the substance of artistic projects and in the creation of officially sanctioned artistic styles." I find it wholly unacceptable that the Endowment only "regret any offense" without providing administrative recourse to correct such an offense or to deter any such future offenses. Furthermore, I interpret the above quote to mean that the Endowment can never be in a position to oversee the fruits of its awards.

There are those in America who favor free artistic expression. I do not quarrel with this view as long as it does not offend our moral foundation. To provide Federal assistance to an organization that condones this type of offensive expression is an unexplicable use of the taxpayers money. If we as legislators are to stand firm in our commitment to monitor the allocation of Federal dollars, including how they are spent, then it follows that we should strike the Endowment's Federal funding. I urge my fellow colleagues to support this amendment.

PERFECTING AMENDMENT OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Chairman, I offer a perfecting amendment to the bill.

The Clerk read as follows:

Perfecting amendment offered by Mr. ARMEY: Page 76, line 18, strike "\$144,250,000" and insert in lieu thereof "\$129,825,000".

Mr. ARMEY. Mr. Chairman, let me begin by congratulating the chairman and the ranking member and the members of this important subcommittee of the Committee on Appropriations for reporting out a good bill. This bill is an \$11 billion bill that covers an incredibly comprehensive, broad spectrum of important issues before the American people, and I would be the first to admit that this particular issue that we are addressing in section 2 is among the least important things to the American people covered by this bill, and it fascinates me that it has gained so much attention.

Mr. Chairman, I do not wish to see the debate prolonged, but apparently it will. Why is the debate so prolonged and so intense over what is in fact

such a nominal amount of money even within the context of this bill? Because the issues that we address here are issues of the heart as seen by the American people, and the feelings are going to be strong.

Let me speak for a moment on behalf of my colleague from California. For those of us who wish to make comparisons with whether or not there may have been comparable levels of waste in defense as is found in the National Endowment for the Arts, the point of the amendment of the gentleman from California is missed. The gentleman from California represents by virtue of his amendment a point of view that is an informative point of view based on intellectual tradition that goes as far back, at least, to Adam Smith, that funding for the arts is simply not a legitimate activity for the Government within a free enterprise, democratic, political, economic system. His point is a point well taken. It is a point well supported by intellectual tradition and should not be suggested to have been representative of nothing other than a plea for cultural and esthetic illiteracy. Anybody who would make such a suggestion that the objective of the gentleman from California in making that amendment does his purposes a disservice, and, frankly, does a disservice to the taste preference, freedom of will, freedom of expression, and generosity of expression as well as urgent need for the uplifting experience of the arts that is expressed daily by American citizenry consistent with their own taste by way of free expression without the prodding of public expenditure, the only difference being, as the gentleman from California would suggest, that it should be done freely and voluntarily by American people on their own behalf. It should not be 170-some-million dollars of their money, first appropriated by the Government and then handed over to an elitist corps of people who will spend it in accordance with their taste.

The question of the Mapplethorpe and the Serrano work is, of course, at the forefront of this controversy. If the gentleman from California chooses to seize the opportunity to use Mapplethorpe and Serrano as an illustration of what I might call Arme's axiom, that nobody spends another person's money as wisely as their own, I applaud him for the observation. The fact is if money were wasted, in my opinion, on such artwork through private, voluntary free expressions of people's expenditure of their own money, there would be no beef to be had here today.

This is not censorship. This is about the prudent, responsible, sensitive, responsive, tolerant expenditure of the taxpayers' money on behalf of the taxpayers who provide the money.

□ 1400

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. ARMEY. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, if the gentleman is supporting the amendment of the gentleman from California [Mr. ROHRBACHER], why is he offering his own amendment?

Mr. ARMEY. I appreciate the gentleman's question, which brings me to the point of my amendment, and I thank the gentleman from Illinois for bringing me to the point of my amendment, which is to reduce the expenditure on the grants in the administration of the National Endowment for the Arts by 10 percent, \$14.4 million. This can be clearly construed, if you will, as a severe slap on the wrist for an agency that has severely defaulted on its responsibility to the American people.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am sorry, but I do not have the time.

(On request of Mr. REGULA, and by unanimous consent, Mr. ARMEY was allowed to proceed for 3 additional minutes.)

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in the opinion of the gentleman from Texas, will taking the money away address the problem prospectively and prevent any such grants in the future?

Mr. ARMEY. I appreciate the gentleman raising that question, because the fact of the matter is heretofore, prior to being on the floor today, we have had a prior experience in 1985 with the National Endowment. In that case the issue was poetry, and in that case we did pass changes in the authorizing language that we had hoped would constrain their behavior to publicly responsible behavior.

These recent occurrences have shown us, as is endemic in the nature of agencies and professionals in agencies, they are wont to try to do their own will and to be free, if possible, from the constraints of legislation, and they have not abided by those constraints.

If the gentleman from Ohio will allow me to continue, I have worked together with the gentleman from Illinois [Mr. YATES], and the two of us have worked together with the active director of the NEA, and the committee has put language in the report. The committee knows and I know that the language is not likely to be binding, particularly with respect to an agency that is staffed by professionals that do not even deal straight and square with their own Senate-approved panel members.

Let me give Members a quick look at what the panel was told by the committee staff. They were asked "to sup-

port a mid career summary of the work of photographer Robert Mapplethorpe. Although all aspects of the artist's work—the still-lives, nudes, and portraits—will be included, the exhibition will focus on Mapplethorpe's unique pieces where photographic images interact with richly-textured fabrics within carefully designed frames."

Anybody would have voted for that description. I am suggesting what we need to do in response to the observable fact to these years since 1985 that this agency is particularly intransigent in their insistence to tend to their own affairs and to have us keep our nose out of it, is to send them not only a legislative message but a clear budgetary message: If you do not want to be sensitive, responsive, respectful, and tolerant of the taste of the vast majority of the American people, if you insist instead to be clearly, blatantly, obtrusively and obnoxiously in violation of the tastes of the clear and vast majority of the American people, you will have your funding reduced.

I ask the body to vote for the 10-percent reduction and send the professionals in these agencies a message that we represent the American people in this matter.

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

(On request of Mr. REGULA and by unanimous consent, Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman have supported, had it not been ruled subject to a point of order, my amendment to put into law what is now in the report language, since the gentleman mentioned the fact he is concerned that they might not follow the report language at NEA? Would the gentleman have supported the concept of embodying it in the law as my amendment proposed?

Mr. ARMEY. Yes; I would have. As a matter of fact, as the gentleman from Ohio knows, I did go to the gentleman from Illinois [Mr. YATES] and seek this kind of a remedy. What we asked precisely from the National Endowment was for them to write into the regulations their operating guidelines. Having prior experience with the relationship between the agency's regulations and legislation, and the different gap one can get, we asked them to give us some agency guidelines that would give us some assurance that they would have responsible behavior. The guidelines that they sent to me, if I had accepted them, would have amounted to my having endorsed the practices that they have been practicing.

We are asking here, with this 10-percent reduction, for this Congress to send a message to these agency people and to their decisionmaking bodies that they must refrain from committing clearly and obviously blatant transgressions against the sensibilities of the American people. The National Endowment for the Arts cannot be insensitive, cannot be intolerant, and cannot be abusive of the rights of the people who provide the money.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. chairman, the gentleman cuts \$14 million out of the National Endowment. Would the gentleman tell the body where there are \$14 million of pornographic art that will be funded that he is sparing the country of by his cuts?

Mr. ARMEY. The gentleman misses the point again. I do not intend and have not myself intended to decide on behalf of this agency what is or is not pornography. I am asking the agency to acknowledge that they have a fiduciary responsibility to the American people. When they get the privilege of spending the money, they must exercise the responsibility of adhering to and respecting the sensibilities of the American people. That is what I am saying.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Let me just say from the beginning that in no way can I condone or support the particular projects to which the gentleman from Texas refers. The abuses that give rise to this amendment are regrettable.

But the gentleman's amendment does nothing to address this problem. Instead, by making a dramatic reduction in the NEA grant program, the Arme amendment will punish all the artists because of problems with a few. In fact, throughout its 25-year history, the NEA has awarded more than 85,000 grants, with just a handful stirring any criticism. It is wrong to retaliate against an entire process or program because a few mistakes were made along the way. No selection procedure is perfect. Even with the best oversight a few bad projects might sneak through.

And it's unfair to indict the entire system because a few individuals are out of line. It's like saying that defense cuts are necessary because of the DOD scandal, or cut HUD because of the waste, fraud, and abuse of a few.

The Arme amendment is a meat ax approach to this problem. It's like amputating your arm to remove a hangnail. This issue needs to be addressed in the proper forum, with a reasoned and deliberative approach.

The authorizing process will begin in the fall when subcommittee hearings are scheduled. And at that time, these concerns can be raised. A 10-percent cut is no answer to this problem. A 10-percent cut will not prevent a repeat of this type of project. But a 10-percent cut will hurt a lot of great artists around the

country, in every State and congressional district.

This amendment also assumes a dangerous change in policy with respect to arts funding. It assumes that the Congress or some other governmental body should pick and choose "appropriate art" or provide an official stamp of approval.

While I can sympathize with the legitimate pejoratives of this House to control Federal funding, I am concerned about the impact of excessive control in this area.

History has taught us that censorship is an ugly scare on the legacy of a generation. McCarthyism in this century, and booking burning in the last, are black marks on history. In fact, contemporaries of Michelangelo stoned his statue of David because they thought it was obscene.

Now, I certainly don't think that the examples of abuses mentioned today are in that category, but I am concerned when we travel down the path of censorship and control.

Mr. Chairman, the committee recommendation for arts funding is sound, and the NEA Program deserves the support of this House.

If critics have concerns, express them during the authorization process and propose specific reforms. The Arney amendment is no answer to this problem. I urge my colleagues to vote no on the Arney amendment.

AMENDMENT OFFERED BY MR. STENHOLM TO THE PERFECTING AMENDMENT OFFERED BY MR. ARMEY

Mr. STENHOLM. Mr. Chairman, I offer an amendment to the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM to the perfecting amendment offered by Mr. ARMEY. In lieu of "\$129,825,000" in the amendment, insert "\$144,205,000".

Mr. STENHOLM. Mr. Chairman, my amendment is very simple. The amendment of the gentleman from California I think might be likened to nuking the Endowment of the Arts for certain mistakes that the gentleman from Texas has so eloquently already decided are mistakes in the eyes I think of the majority of the American people. The gentleman from Texas though attempts to take a shotgun to the process and say because they have offended we are going to kind of shoot out there and hope we hit something.

My amendment takes a rifle approach and specifically addresses the \$45,000, the two specific proposals that have offended, Serrano and Maplethorpe, and says let us excise that amount of money. I think my amendment makes eminent good sense for the debate today.

First I want to commend the gentleman from Illinois, Mr. YATES, chairman of the subcommittee, for doing this as this body has instructed on all appropriation bills this year to come in under the 302(b) allocation. The chairman has done so. Otherwise I would be up here doing as we had done in the past, suggesting that we bring it back. But the gentleman from Illinois, Chairman YATES, has done it.

If Members will read the committee report they will find much of the concerns of my colleague from Texas have been addressed. I know in numerous conversations with the chairman expressing my own concern, also the concerns legitimately expressed to the first amendment in censorship, et cetera, the chairman has expressed that concern also, and in the committee report begins to go a long way toward deciding this question in a favorable way. If Members will read page 126 they will see that the committee has done a good job in addressing the concerns so eloquently expressed by my colleague from Texas.

So let me say, my colleagues, in conclusion, my amendment really is a shot across the bow. It is sending the appropriate message without shooting and hitting everything in sight, and it does not do near the damage the amendment proposed by the gentleman from California would do, for very legitimate reasons, but we are saying let us deal with the problem in a very positive way.

I urge support of my amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in support of the Stenholm amendment to the perfecting amendment.

Mr. Chairman, for clarification for Members who have not followed the debate very closely, we have three amendments now pending. We have the amendment of the gentleman from California, who wants to strike the entire Endowment today. Then we have the amendment of the gentleman from Texas [Mr. ARMEY]. His amendment would reduce it by \$14 million plus as a symbolic gesture to "get the attention of this agency," for some several grants, two grants in particular that were made which were offensive to some people. They are offensive to me.

We now have pending the amendment of the gentleman from Texas [Mr. STENHOLM] to the amendment of the gentleman from Texas [Mr. ARMEY], to reduce this by \$45,000, which represents the accumulated grant moneys that were given for these two in question grant awards that have been made by this agency.

The question is fundamental. First of all, should we adopt the first one? I suggest that is not the real issue, because that one is going to be I think defeated.

□ 1410

The real question is between the two gentlemen from Texas. One says that that is a symbol and \$14 million is how much flesh he is going to be able to extract from this agency because of these two questionable grants. The other one I think is more temperate an approach, who says there ought to be a symbolic gesture here this afternoon, that if you have problems with

these two awards and I personally feel they are tasteless in their application, the two grants; I feel that one of them borders on pornography and, yes, there is freedom of speech in this country but you cannot yell "fire" in a crowded theater and you cannot go out and disseminate pornographic material under the freedom of speech either.

But that is my personal interpretation. I am offended by these two, but I do not believe that we can stand here today and, one, cut off the entire NEA budget of even the \$14 million because I personally am offended and perhaps 99 percent of the people in this body and 99 percent of the American people might be offended. But what we can do is make a statement to people who are out there in the community, we have to deal with the political problem here today. We could either lose the entire Endowment or we could lose \$14 million.

I suggest that we go along with the Stenholm amendment and lose \$45,000.

Perhaps some of the people who are on some of the panels will recognize that we have a political problem when sometimes they do things which are going to come back and haunt the Endowment process.

So let me just say that if the Arney amendment is adopted, he is not just going to take the two grants that we have some problems with today, he is going to cut off a lot more grants. And these grants could be in your hometown, for your symphony, for your education in the arts, in your classrooms, in your districts. It might be going to fund the Boys Choir of Harlem, they might be the children's theaters in a variety of cities throughout this Nation, or a number of things the \$14 million could come from.

There is no rational basis for \$14 million here today.

Mr. YATES. I thank the gentleman for yielding.

The gentleman is on the authorizing committee for the National Endowment for the Arts?

Mr. COLEMAN of Missouri. I am.

Mr. YATES. Is not that committee now holding hearings on the question of reauthorizing the National Endowment for the Arts?

Mr. COLEMAN of Missouri. We are, and we have. We had a hearing already this year and we are in the process of—

Mr. YATES. Is that not the proper forum for Mr. ARMEY to take his amendment, if he wants guidelines to follow certain paths?

Mr. COLEMAN of Missouri. Mr. ARMEY is a member of that authorizing committee.

Mr. YATES. He is a member of the authorizing committee?

Mr. COLEMAN of Missouri. He is a colleague of mine on that committee.

Mr. YATES. Why does he not take it there?

Mr. COLEMAN of Missouri. The gentleman will have to ask him that.

Let me just say that in the authorizing legislation initially and subsequently reauthorized, this issue about freedom of artistic expression has been debated. It is current law.

So we do not—you know, finding fault with the agency is one thing, finding fault with ourselves is another.

The agency is not happy about what has happened in this case. They also have problems about self-censorship and public expression. We have a political problem. We are dealing with it through the Stenholm amendment.

I believe it sends a signal, a statement, it is a symbolic vote. It cuts off, if you will, the funding for these two what I think are tasteless, bordering on pornographic material so that they would not be funded in the future. That is the statement today, and that is the real vote.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

The gentleman heard my amendment I offered to put accountability in this process. As the ranking minority member on the authorizing subcommittee, would the gentleman support that language in the reauthorization package?

Mr. COLEMAN of Missouri. I certainly think it is a step in the right direction when we readdress this issue on reauthorization.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. COLEMAN] has expired.

(By unanimous consent Mr. COLEMAN of Missouri was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Let me make one point. Yes; it is true I am on the authorization committee and precisely the point I made earlier: We passed the authorizing language in 1985 and I do not believe it has done much to constrain the behavior of the agency.

Now another point: Why are we here entertaining an appropriation bill prior to the passage of the authorizing language? One could kick up a fuss about that. But let that be as it is.

Let me say this—

Mr. COLEMAN of Missouri. If I might say, it is not expiring, so that it does not have to be reauthorized. It is authorized for a period of time. I be-

lieve next year it comes up for reauthorization.

Mr. ARMEY. I appreciate the point. The gentleman's point is valid.

But let me go to another critically important point. If you do believe in censorship, clear, precise, pinpointed, accurate censorship, you should vote for the Stenholm amendment. The Stenholm amendment says we want to exact a specific dollar amount in precise reprisal for these two specific artworks.

My recommendation says if you want an agency to act fiscally responsible as it husbands the money of the people of this country, then vote for stiff penalties and clear messages.

Mr. COLEMAN of Missouri. Let me say that I think the Stenholm amendment does half of what the gentleman says, and that is that it is precise.

If you are offended by some of this stuff out here that we have seen and heard about, and if you have seen the pictures, you probably will be, then you will vote for Mr. STENHOLM's amendment because it sends a message. If you want to have a vote today on that subject, that is the way to do it.

Now if you have trouble with censorship, that is another subject, but you are dealing with a political environment here. This is not utopia, this is not an academic discussion, it is real life. That is why I support the Stenholm amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to all three of the amendments on the floor. Although I recognize that Mr. STENHOLM's amendment really is intended to limit the damage which would otherwise be wrought by Mr. ARMEY's amendment, and by the gentleman from California, Mr. ROHRBACHER's amendment. But ultimately all three of these amendments take a piece out of America and what America is all about. This is basically a freedom of expression issue, no matter how one tries to disguise it.

Mr. ARMEY, I think, is a bit disingenuous when he suggests that Mr. STENHOLM is engaging in censorship with his \$45,000 amendment but that he, Mr. ARMEY, is not with his proposal. All he is trying to do, he says, is to create fiscal accountability, which leads in fact to the same kind of thing that he accuses Mr. STENHOLM of.

Mr. ROHRBACHER wants to go the whole way and eliminate all funding for the arts.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I will when I am through.

POINT OF ORDER

Mr. ARMEY. Mr. Chairman, I have a point of order. I would like to speak to a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ARMEY. Mr. Chairman, the gentleman from New York has just stated on the floor in the debate that I am being disingenuous as I make my arguments. This is a difficult, complex issue that we are dealing with, with very many subtle things here. I would not suggest the gentleman from New York, the gentleman from Texas, the gentleman from Illinois, or any other gentleman was disingenuous, and I quite frankly think it does very little to further debate for someone to suggest that I am disingenuous in the arguments that I have made.

Mr. WEISS. If the gentleman will feel more happy, I will withdraw the word "disingenuous."

Mr. YATES. Mr. Chairman, is the word "disingenuous" pornographic?

The CHAIRMAN. Is the gentleman from Texas making a point of order against the words?

Mr. ARMEY. Yes; I am afraid I am, yes.

The CHAIRMAN. The Clerk will report the words objected to.

Mr. WEISS. Mr. Chairman, I have no problem with withdrawing the word "disingenuous" if that gives any kind of offense to the gentleman from Texas, at all. I did not know he was so sensitive.

The CHAIRMAN. Without objection, the word is withdrawn.

There was no objection.

Mr. WEISS. Mr. Chairman, for 8 years, the Reagan administration led an all-out attack against the Federal arts budget, which despite the efforts of Congress and especially the distinguished gentleman from Illinois was largely successful. If the NEA budget had been increased simply to account for inflation every year since 1980, it would now be over \$220 million. Instead, last year's budget was less than \$170 million, and we are here today fighting off attempts to reduce it even further.

The results of these cuts have been drastic. Each year, the NEA has been forced to issue fewer and fewer grants. Cuts in Federal funding to State and local governments have squeezed their own cultural funding budgets, and corporate mergers are eliminating corporate arts programs. Meanwhile, rising real estate and insurance costs have crippled small creative arts groups, while changes in tax law have resulted in fewer private charitable contributions to the arts.

This last point is important because it directly addresses a fallacy offered by the gentleman from California who is opposing all funding of the arts. He has stated, that "There is no shortage of private financial support for the arts." This is a patently false assertion, and I would invite anyone who disagrees to visit the hundreds of art-

ists in my district who are finding the search for funds, private or public, to be a nearly impossible quest. Clearly, we should be here today debating how much to increase the NEA's budget, not whether to cut it further.

Another result of funding cuts is a talent drain unprecedented in the American arts community. Individuals who cannot make a living, or who simply are unable to have their work produced in this country, are looking overseas to Europe and Japan for support instead.

Mr. Chairman, let's be frank. The arts budget is paltry. The amendments we are debating are not budget-related amendments but the result of controversy over two recent artistic exhibits partially subsidized by Federal funds. Critics of the NEA have expressed outrage over two objectionable works which received small amounts of NEA support. They argue that we should send a message to the NEA, not only by changing their procedures to ensure Government control over the grants that organization makes, but also by cutting their funding even further.

But the issue of what type of art the NEA awards grants for brings up some perhaps obvious questions. And let me stress here that the issue we are debating here today, contrary to assertions from the other side, is definitely censorship. Whose definition of objectionable are we to work with in determining what grants to award? To some people, the mere sight of nudity in a work of art is objectionable. Should we prevent Federal funding of artists who paint or sculpt nude figures? "The Diary of Anne Frank," "The Merchant of Venice," and "Huckleberry Finn" are all deemed to be objectionable by many people who would like to see these works banned. Should libraries which carry these and other objectionable classics be prevented from receiving Federal funds?

There are other nations around the world which have standards for acceptable and unacceptable artistic expression. We call them totalitarian. In these nations, writers or artists who challenge the boundaries of acceptable expression are imprisoned or worse. Witness the death sentence decreed by the Ayatollah Khomeini on the writer Salman Rushdie because of perceived offense to the prophet Mohammed. Clearly, the U.S. Government must continue to stay out of the business of defining boundaries for acceptable artistic expression.

During this entire debate, some have argued that artistic freedom is fine, but if Federal funds are used for a project, it must not be offensive or objectionable. But it is folly to argue that if Federal funds are used for a project, that project must be acceptable to all taxpayers. Those who make this argument might be uncomfortable with its ramifications. For example,

many found the design of the Vietnam Veterans Memorial in Washington, DC, objectionable, but few would now argue that Federal funds should not have been used to support its construction on account of those objections.

The NEA's current grantmaking procedures were carefully designed to limit Government control over or political intervention in the process of Federal support for artistic expression. In the 25 years that the NEA has been in existence, it has awarded 85,000 grants, of which fewer than 20 have aroused protest. Now, some are prepared to limit the NEA's ability to continue to promote American artistic diversity because of public objections to two of these grants. Before starting down this dangerous path, we should take a long hard look at where it leads.

It seems to me that what we ought to really do is to have faith in ourselves and the ideals for which America stands. Let Members, indeed, exult in the fact that we are a country that is free enough to allow artistic expressions, even if we find them offensive and objectionable.

I would hope we would defeat all of these amendments, and let the work of the committee stand.

Mr. Chairman, I would like to close with a quote which expresses the most important point to remember in this debate:

In recognizing those who create and those who make creation possible, we celebrate freedom. No one realizes the importance of freedom more than the artist, for only in the atmosphere of freedom can the arts flourish.

Few other words of former President Ronald Reagan ring so true.

I urge my colleagues to defeat these amendments.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. ARMEY, and by unanimous consent, Mr. WEISS was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I appreciate the gentleman yielding, since he made reference to me within the context of his remarks. Let me make two points: One, the gentleman from Texas [Mr. STENHOLM] has offered an amendment for a \$45,000 reduction, \$30,000 in direct reprisal for the grant that funded this book, and I will not show Members the prints within this book, \$15,000 for the money that funded the Serrano grant.

Now, if that is not specific targeting of a pecuniary reprisal in the person of the particular products, then I do not know what is.

Mr. WEISS. Mr. Chairman, if I may reclaim my time, the gentleman from Texas has said that his cut, his proposed cut of \$14 million is to enforce

fiscal accountability in the National Endowment for the Arts. Accountability for what? Accountability for allowing those two works of art to be part of exhibitions partially funded by the Federal Government.

So, where is the difference? There is actually no difference whatsoever. The gentleman is simply using an argument, but it is not particularly effective or persuasive from my point of view.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. ARMEY. I would say my amendment relates to the Endowment continuing over a span of years to keep in place decisionmaking procedures that allow any number of transgressions. These two are only the most clear and odious.

Mr. WEISS. Mr. Chairman, if I may reclaim my time, the gentleman has now said it: It is the transgressions that the gentleman is concerned about, and wants to charge \$14 million for those transgressions. The gentleman from Texas [Mr. STENHOLM] wants to charge \$45,000.

Mr. YATES. If the gentleman will yield, the gentleman from Texas is on the authorizing committees. Why does he not put the guidelines he wants into the authorizing legislation?

Mr. ARMEY. If the gentleman will yield, the question is a matter of discipline.

Mr. REGULA. Mr. Chairman, I rise in support of the Stenholm amendment. I think it is a responsible approach to the problem here. It recognizes that there is outrage on the part of all Members about what was funded. In addressing this issue, however, we do not want to take away the ability of the NEA to find a string ensemble as they did in the 16th District of Ohio, that traveled around to schools throughout the district and gave our students an opportunity to hear this music and to perhaps inspire some young person. Keep in mind, if Members are going to take an enormous amount out of the budget, or totally eliminate it as proposed by the gentleman from California, that Members are not going to reach out across America to the schools, to the art institutes, and to the museums with the good programs we have had.

Let me say this. There is strong public support for the NEA. We have the challenge grant program which requires that for every dollar of NEA money, they have to match it with \$3 of private money. It has been an enormous success. Communities all across the Nation, and people, in small amounts and large amounts, provided the funds so that our local art institutes and schools could go forward with programs. They came up with \$3 for every \$1 of the NEA. I think that is great evidence of the kind of sup-

port that exists in this Nation. We recognize that some of these programs were outrageous, and we were all offended by them, but Members let us not destroy a whole program that has enriched the lives of all America, and has great potential for the future.

This is a bipartisan program. The NEA was started and was authorized under President Johnson. The major funding that really got the program off the ground was as a result of the leadership of President Richard Nixon, so the NEA have a strong bipartisan approach that has been supported by the public throughout the years. I think it is important that we keep the program going in a responsible way. I regret that my accountability amendment was not adopted, that it was opposed by the gentleman from California on a point of order. We have the commitment from the chairman of the authorizing committee and the vice chairman, ranking member, that they will consider this language in their reauthorization to deal with the issue of accountability. That is really what the issue is here today, is accountability, for what happens in these grants with Federal money.

So I think the Stenholm amendment offers a very responsible approach to this problem, and I urge the Members to support it.

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to the three amendments. Mr. Chairman, I rise in strong opposition to the three amendments before us today. No matter how offensive and tasteless we may feel that they are, and the catalyst for these amendments, in my opinion, is tasteless, is offensive, and is downright disgusting, artistic works should not be censored. We as Congresspeople are not art critics. We should not be censors.

History should be our teacher. We can all remember a great artist, or a great work of art, that was considered offensive in its time and banned from being displayed in public. We look back at the 19th century when works by Van Gogh, Monet, and Rodin, were refused. The great work that we see today, one of the great works of arts in this world today, are the "Burghers of Calais." This was rejected by the citizens of that city in France.

Today, we have the best and brightest artists in their fields, artists who have been given complete freedom of thought and expression, artists who are stretching our imaginations and our conceptions even further. We should protect this heritage at all costs.

The National Endowment for the Arts is a respected organization that allows citizen art experts, not government employees, to make funding recommendations. The artists who approve the grants are among the most informed and highly revered in their

respective fields. Are they always right? No. Do they make mistakes? Yes. Do works that are sometimes repugnant, offensive, and seemingly artless sometimes slip through the cracks? Yes.

□ 1430

But who is better qualified to determine which artists should be supported and encouraged than the artists themselves? The artistic field must be allowed this privilege.

Mr. Chairman, I urge my colleagues to vote against all three of these amendments.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate has taken so many switch-backs that it is like an Appalachian Mountain road. We have Members arguing on all sides of the issue, and it is a little hard to follow. We hear a lot of talk about art and a lot of talk about censorship, and it is hard to follow just who is where.

I have heard the chairman of the subcommittee tell the gentleman from Texas [Mr. ARMEY] that he ought to be doing his work in the authorizing committee of which he is a member. If that is true, then why did the committee not cut out this \$45,000 in the committee rather than wait to come out to the floor? If this is a committee amendment, why did they not cut the money out in the committee if they found this language offensive?

The fact is they allowed it to come out on the floor and have a debate. I do not understand that. Why would they not have this cut take place there if it was the right thing to do?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would say to the gentleman that the gentleman from Texas [Mr. STENHOLM] is not a member of our committee.

Mr. WALKER. I see. But the committee is rising in favor of the Stenholm amendment and calling it—I just heard the term used a minute ago—the committee amendment. So why was that not done in committee at that point?

I would also point this out: If the gentleman were to look at the language in his own report, he references the language that the gentleman from Texas [Mr. ARMEY] put in law in 1985. He is trying to say in this report that the agency ought to obey the language that was put in effect in 1985.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield to the gentleman in a moment.

Mr. Chairman, what that means is that since 1985 the agency has not been doing what the law required them to do. That is the reason why

the gentleman is now having to say in his own report that the agency somehow is violating what we told them to do in 1985. The gentleman from Texas [Mr. ARMEY] did this in the authorization process, although I think it was actually the language of the gentleman from Texas [Mr. BARTLETT], 5 years ago or 4 years ago. We told this agency what to do. The gentleman is reiterating that in his own report, and now what we hear is this: "Well, we don't need to go this far. We can do this little gesture of \$45,000, and that will tell the agency enough for them to back off."

The problem we see here, Mr. Chairman, is that we are not dealing just with a particular problem of a couple of offensive projects; we are dealing with a systemic problem. It is a systemic problem that affects this agency and has affected it for 4 or 5 years, one which the gentleman had admitted in his own report. In his own report, as a matter of fact, he reiterates it a couple of times. The statement is made that recently the committee has been made aware of two visual art grants made by the NEA which have aroused great controversy because of the content of their subject matter. Then you say in the very next paragraph, "Recently the committee has been made aware"—in other words, you say the same thing twice in just a couple of paragraphs here. You reiterate it, so it is obviously very important.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I will say to the gentleman that that is a typographical error.

Mr. WALKER. Good. I see.

Mr. YATES. I thought the gentleman would understand that by himself.

Mr. WALKER. I thought maybe you were just being very strong about the point. If it is just a typographical error, then you were not being so strong about it.

Mr. YATES. Mr. Chairman, will the gentleman yield for a correction?

Mr. WALKER. I am glad to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, this gentleman understood that the language to which the gentleman from Pennsylvania refers was not introduced by the gentleman from Texas [Mr. ARMEY] but by the gentleman from Texas [Mr. BARTLETT].

Mr. WALKER. I said that it was Mr. BARTLETT.

Mr. YATES. I thought the gentleman said it was by Mr. ARMEY.

Mr. WALKER. No, I said that I think the specific language was that of Mr. BARTLETT's, but that the reference Mr. ARMEY was making came out of Mr. ARMEY's action on the floor back 4 years ago, and it is specifically in the law. I understand that.

But the point is that the gentleman's own report says that this agency has not been guided by these guidelines, and then he goes to some length to tell them what they ought to do now, and he even admits that they came up with a subgrant process in order to get around that which we required them to do back in 1985. Then the gentleman says that we ought to have no more subgrants now.

There is an admission within the report that we have got a problem, and it is not just a problem of \$45,000; it is a problem that is systemic to the agency, and we ought to do something to correct the problem which is here.

What I am saying is that it is kind of a puny, little effort out here on the floor to tell that agency that \$45,000 is enough to give them the word. I do not think so.

The reason that I say that this takes a lot of switchbacks is that the gentleman from Texas [Mr. ARMEY] makes a valid point when he talks about the fact of censorship. What we have done here is we have decided that those two projects cost \$45,000, we do not like those projects, and, boy, let me say that there is not much to like there. So we cut them down by that amount of money, and so we are literally exercising our censorship out here on the House floor.

The gentleman from Texas [Mr. ARMEY], on the other hand, is saying, "Look, the problem here is that the agency had a program in place that allowed them to approve money for these particular projects."

Somehow they need to be hit over the head. Somehow they need to understand that the law which has been in effect for 4 years has meaning to it. Somehow they need to be told that we do not with taxpayers' money want to fund an artist who is urinating in a bottle and sticking a crucifix in it and calling it art. If somebody wants to wallow in their excrement, that is fine, but it ought not be done at public expense.

There is a problem of approval here that is endemic to the agency evidently, and we need to find out what we can do to stop that. What the gentleman from Texas [Mr. ARMEY] says in his amendment is that we should stop it by telling the agency flat out that we are not going to allow them to decide these kinds of priorities; we are going to make them make some difficult decisions because we are going to cut back on their funding. It seems to me that is the way to go.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman agree that the amendment I offered that was objected to would have accomplished what he is just now saying, and that is that it would have made it explicit in the law itself in terms of the agency's responsibility and accountability?

Mr. WALKER. Yes. Let me say to the gentleman, first of all, that the reason why he cannot offer his amendment is that the rules of the House do not permit him to offer his amendment.

Mr. REGULA. I understand that.

Mr. WALKER. If we had different rules out here in regard to appropriation bills, maybe we could offer amendments like that.

Mr. REGULA. Yes, I am saying, if it were in order.

Mr. WALKER. But let us also say in regard to the gentleman's amendment that it seems to me what it did was to reference the public law which is already in place. You put it in law, and so what we would have would be a law confirming the law which was already in place. Our point is that we have a problem here. We have had a law on the books for 4 years, and this agency in its arrogance has decided not to obey that law.

Mr. REGULA. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, if what the gentleman just said was true, the Chair would have ruled in favor of my amendment going forward. If the gentleman would read the rules, what I proposed was to do exactly what he has just described, and the Chair ruled that it was not in order. So all I am saying is, if I understand the gentleman correctly, that he believes we should tighten up the rules on the agency's discretion and make the chairman of each agency, and in this case the NEA, fully accountable. Is that correct?

Mr. WALKER. Let me say to the gentleman that I think what we need to do is to get the National Endowment for the Arts to obey the law that is now in place.

Mr. REGULA. That is exactly what I was trying to do.

Mr. WALKER. The law in place says that you should not authorize an artist to urinate in a bottle and then stick a crucifix in it and call it art. That is what the law is all about right now.

So it seems to me that what we have is an agency that has gone beyond the law. The gentleman is saying, "Well, what we need to do is to get really tough about the law." What is to make the gentleman think that the agency will not continue to ignore our getting tough about the law?

Mr. REGULA. What is to make the gentleman from Pennsylvania think that if we cut out \$5 million, \$10 million, or \$50 million, that will make it suddenly tough for the agency?

Mr. WALKER. Let me say to the gentleman that I think at that point somebody in the National Endowment may figure that we have gotten their attention, because all of a sudden they would have to sit down and decide that there are programs they cannot fund, because they do have enough money to do it, and they will know one of the reasons for that is because they made a systemic mistake along the way that caused Congress to come down on them like gangbusters.

Let me say that doing something with an amendment with \$45,000 in it is saying to that agency that we do not really care. They would decide what "they caught us with a couple of bad ones."

What I want to know is, what happened that we did not catch them at? Does the gentleman have any idea what we may not have caught them at that we may find out later? We do know the reasons why this happened back in 1985 is because back then they funded a poem that most of us found objectionable.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. YATES, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, if the gentleman really wants to give the agency a lesson, why does he not vote for the Rohrabacher amendment?

Mr. WALKER. Mr. Chairman, if the Arme amendment fails, I may well do that, for this reason: If we are going in fact to go the route the gentleman is proposing, that of Congress deciding to individually censor programs, it seems to me that we have gotten ourselves right in the loop we said we would never get into, and that is that with the National Endowment for the Arts we would use public moneys as a way of censoring the arts. If we are going to go that route, if that is how we are going to proceed around here, it seems to me that much art in this country might be better off with no money and no programs than having the Federal Government determining what is good art and what is bad art, because I do not think there are very many of us on this floor who are qualified, save the professional artist who spoke here earlier, to make that kind of judgment. But that is exactly the route we are heading down here with the amendment that is being offered

by the gentleman from Texas [Mr. STENHOLM], and if we cannot have something that gives us a real kind of funding of the arts that does not have censorship in it, the Rohrabacher approach is probably the right approach.

□ 1440

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, I appreciate the gentleman from Pennsylvania [Mr. WALKER] yielding to me.

Mr. Chairman, to follow the logic of the gentleman from Pennsylvania [Mr. WALKER] then, it would be apparent then that no art would be the best art because, if the gentleman would vote for Rohrabacher, what he is saying is that Federal Government should have a policy—

Mr. WALKER. Mr. Chairman, if the gentleman will yield, if the gentleman from Florida [Mr. SMITH] thinks that the only art in this country is being funded by the Federal Government, the gentleman had better look at the situation in the country a little closer.

The fact is that there is much art in this country that has absolutely nothing to do with the National Endowment of the Arts and that we have much art in this country that would probably not even want to get involved with all the applications that the Federal Government requires for its programs.

So, the fact is that we do not end up with no art. What we end up with is public agencies at the local level of funding art.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Chairman, would the gentleman from Pennsylvania [Mr. WALKER] acknowledge that the Federal Government has a significant role to play in the development of art in this country and in development of minority artists and others who are shut out and denied from the capability?

Mr. WALKER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. YATES. Mr. Chairman, I do not want to object to the request of the gentleman from Pennsylvania [Mr. WALKER], but we have gone on, and on, and on.

Mr. Chairman, I will not object to this time.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES]. I appreciate the opportunity to continue in the debate since I was yielding to a Member of his side.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, let me say to the gentleman that it seems to me that, if what we are going to do is have the Federal Government begin to act as a censor for all that art, then perhaps we are better off with no Federal role, because if the Federal role becomes one of art censor, then we have, I think, undermined art in this country, not advanced art in this country.

Mr. Chairman, that is the route we are headed down with what we are doing on the floor here today.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I appreciate the point of the gentleman from Pennsylvania [Mr. WALKER], and, if I might ask the gentleman's opinion?

As I see it, what he is saying is rather than voting for the blatant censorship that is embodied in the amendment offered by the gentleman from Texas [Mr. STENHOLM], that we ought to concentrate our attention on the process, and procedures and attitudes of the agencies cognizant of the fact that, as we tighten down the budget constraints, we introduce greater rationality and greater responsibility in the process.

Mr. WALKER. Mr. Chairman, I think the gentleman from Texas [Mr. ARMEY] is right, and I just make the point that I think the bureaucrats down at the National Endowment of the Arts will look at a \$45,000 cut on this floor as being laughable, that they will regard that as something that we did that is almost of a laughable nature. If we cut them back by a real amount of money, I think they will look at that as being a somewhat serious effort to tell them that they have got a systematic problem that they have got to solve, and I think the gentleman deserves support on that basis.

Mr. Chairman, I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto close in 15 minutes.

Mr. ARMEY. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The unanimous-consent request is that time be limited on debate on the Armev amendment and all amendments thereto.

Is there objection to the request of the gentleman from Illinois?

Mr. ARMEY. Mr. Chairman, reserving the right to object, I appreciate the point of the gentleman from Illinois [Mr. YATES], but the gentleman from California [Mr. ROHRBACHER] has not been heard on either one of

these other two amendments, I do not believe, and we have another gentleman here. Fifteen minutes; I am just not sure that that gives everybody a chance to speak.

Mr. YATES. How about 25 minutes? Would the gentleman from Texas [Mr. ARMEY] accept 25 minutes?

Mr. ARMEY. Twenty-five minutes; I have colleagues here that have been here for some time.

Mr. YATES. I would say the time would be equally divided.

Mr. Chairman, I make that my unanimous-consent request.

The CHAIRMAN. The unanimous-consent request of the gentleman from Illinois [Mr. YATES] is that there be a limitation of 25 minutes on debate of the amendment of the gentleman from Texas [Mr. ARMEY] and any amendments thereto with the time to be equally divided between the gentleman from Illinois [Mr. YATES] and the gentleman from—

Mr. ARMEY. Mr. Chairman, I reserve the right to object.

Mr. YATES. Mr. Chairman, I thought we had agreed on it.

Mr. ARMEY. Mr. Chairman, reserving the right to object, if the gentleman from Illinois [Mr. YATES] will be patient with my reservation for a moment, I will observe what he has done.

Mr. Chairman, if the gentleman from Illinois [Mr. YATES] would permit me, I would agree to the time request of 25 minutes that he has suggested. He has suggested it should be equally divided between the gentlemen on their side and myself or the gentlemen from California [Mr. ROHRBACHER] on this side since the gentleman from Ohio [Mr. REGULA] is obviously more in agreement with the position of the committee.

Mr. YATES. Mr. Chairman, I amend my request to say that the time allocation shall be controlled by the proponent of the amendment, the gentleman from Texas [Mr. ARMEY], and on my side by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I could not help thinking that last night apparently one of the great international figures in acting, Sir Laurence Olivier, died who had performed many movies, and plays and so on. I could not help thinking of Sir Laurence's native land.

Mr. Chairman, in England they heavily subsidize the arts. The average person can afford to go to the theater. The museums, for the most part, are free. They subsidize and feel that the arts is a profession, is a noble profession, and they give generous grants to

people in that wonderful country who want to go into the arts.

In Germany, for example, in just the area of theater they subsidize that area, just that one area, by more than a billion dollars.

Now, Mr. Chairman, one of my objections to the National Endowment of the Arts budget is that it is not enough, and, by the way, all these countries have a cabinet position as minister of culture for their country. They know that the arts and the flourishing of the arts are a sign of their civilization, and, Mr. Chairman, I think of the paltry amount that we have here, \$171 million in comparison, the same amount we give for the marching bands for our Department of Defense which, by the way, I support, rather have in many ways some of those kinds of activities and some of those creative avenues for research for SDI that cost billions and billions of dollars.

However, Mr. Chairman, the point is that we do not support the arts enough in this country, and what we are seeing are gutting amendments that really go to the soul of America. The fact is that we want to keep our museums, and our theaters, and the kinds of artists who engage in sculpture and all kinds of design, et cetera, we want to keep those kinds of programs open.

My colleagues, take a look just in this city at the Smithsonian Institution. There are some few, I might add, on that side of the aisle who have suggested we ought to be charging for these museums and for the parks and so on. The fact is we ought to keep them free, and we ought to keep the museums and the theaters in our own areas, and our rural areas and our cities, we ought to keep them open to the American people so that every person without any kind of access, that every person has access irrespective of their ability to pay and the color of their skin.

Mr. Chairman, what we are seeing today is really not a discussion of two pieces of work out of 4,500 grants in terms of censorship and so on. What we are seeing is a deliberate attempt to cut a program that has not been fully funded since Ronald Reagan became President.

Now we know that. We ought to acknowledge it, and the chairman, along with his distinguished minority leader from my State of Ohio have attempted to hang on to what they have, and, Mr. Chairman, I want to say that I was really heartened, I was genuinely surprised and heartened, that I am getting all these faxes from people in my district saying, "Do not cut this budget," and these are members of the business community. These are people who are the grassroots people who are proud to go to the Cleveland Museum of Art, and the Cleveland Playhouse,

and proud to go to Playhouse Square. They are proud to go to one of the finest orchestras in the world, the Cleveland Orchestra, that still is affordable for them to go to. These are programs, the Karamu Theater and interracial theater in my hometown, and all of my colleagues can name some in their towns. They are proud to go and have these kinds of programs, and they would be less accessible without this kind of program.

So, Mr. Chairman, I say to my colleagues that I am going to, as one who is a down-and-out supporter of the arts, I am going to support the amendment of the gentleman from Texas [Mr. STENHOLM] that reduces the budget by \$45,000, and I am going to tell my colleagues why.

□ 1450

Personally, I do not want to support it in terms of cutting anything, but I am going to support it, and I will tell you why, because I know if that does not pass, we are going to have \$14 million cuts in this area. We are going to see a new avenue of censorship, the kind of censorship that said years ago that Tom Sawyer and the Adventures of Huckleberry Finn should not be in children's rooms and public libraries.

So let us support the amendment of the gentleman from Texas [Mr. STENHOLM] and get on with this program and let us do more in this area.

Mr. ARMEY. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of the amendment of the gentleman from Texas [Mr. ARMEY], and failing that, the amendment offered by the gentleman from California [Mr. ROHRBACHER].

The people I represent in eastern Tennessee certainly do not support Federal funding of pornographic or obscene or anti-Christian artwork.

In addition, it has been said that the people who benefit the most from the National Endowment for the Arts are in rural areas and in the small towns and small cities. I represent that kind of district, and very few people in my district have benefited from the NEA. The NEA, like most Federal programs, the people who benefit the most from it are the bureaucrats who run it. It would be grand if the Federal Government could afford to buy everyone a \$200,000 house or a new Mercedes and other things, but there are limits to what government can do.

It has been said in this debate today that \$140 million is nothing, it is a drop in the bucket in the whole Federal budget, but if we adopt that philosophy, the Federal deficit will just go crazy.

I rise in strong support of the amendments offered by the gentleman from California [Mr. ROHRBACHER] and the gentleman from Texas [Mr.

ARMEY], and I urge their support by my colleagues.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do not question the motives of the gentleman from Texas [Mr. ARMEY]. I think a good deal of what he proposes on this floor merits our support. His amendment today, I regret to say, does not.

The gentleman from Texas [Mr. STENHOLM] in his amendment fires a shot across the bow of the National Endowment for the Arts. The amendment of the gentleman from Texas [Mr. ARMEY] is a direct hit on the bridge of the ship.

The gentleman from Texas [Mr. STENHOLM] would send a clear message to the NEA that taxpayers are offended, our taxpayers, our constituents are offended, and would caution the agency to proceed more prudently in this area in the future.

The amendment of the gentleman from Texas [Mr. ARMEY] needlessly cripples many meritorious arts activities within our districts across the Nation.

Several of my colleagues have risen today on the floor to suggest that we tread carefully on matters that relate to censorship. They have said that freedom of expression is important, and I agree with them that it is.

We should all be careful to remember, and the National Endowment for the Arts should be careful to remember that what is involved here is more than just freedom of expression. What is involved here is expression that is financed, at least in part, by our taxpayers. The message that my taxpayers and my constituents have sent to me is that they are offended in part by what is being funded with their dollars. Their message to me is that they do not want to see this kind of thing repeated in the future.

I would urge support for the Stenholm amendment. It certainly gets the attention of the agency. It does so, I think, without needlessly crippling the support for arts activities across our country.

I would conclude by noting that beauty is in the eye of the beholder. By the same token, so is tastelessness and so is desecration.

Recently, the artworks of the Congressional Arts Caucus winners were hung near the Capitol. Some of those works may not pass muster with each of our constituents either, but that doesn't mean we should withdraw support of that program.

So, I think indeed we should move cautiously in the area of censorship, but I do believe the Stenholm amend-

ment should be supported and the Army amendment defeated.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Texas [Mr. ARMEY] for the opportunity to speak.

I rise in support of the gentleman's amendment. I think, as most of the Members I sense here today, they are upset, they are outraged by the National Endowment for the Arts allowing the kinds of artwork we see.

I have with me here the book, "The Perfect Moment" by Robert Mapplethorpe. This book illustrates the kind of filth we are talking about. Inside the second page it recognizes the National Endowment for the Arts for the contribution that it gave.

Now, as the distinguished gentleman from Pennsylvania [Mr. WALKER] has pointed out, we want to send a strong message to this Foundation. If we just go ahead and delete \$45,000, are we assured we have sent a strong message?

Back in my district, in all my town meetings, everywhere I went in central Florida, they spoke out against Andres Serrano and his artwork, and they speak out against Mapplethorpe and his book, "The Perfect Moment."

I ask my colleagues to think carefully. We can go forward, delete \$14 million, send a strong message and ask them to set up reasonable guidelines.

Now, as I understand, and I have not looked at the bill, that these reasonable guidelines are in there. May I ask the chairman of the committee, are these reasonable guidelines at this point in the legislation? Is that a question I can ask the gentleman from Illinois?

Mr. YATES. Mr. Chairman, if the gentleman will yield, there is a direction in the report of the committee to the NEA and to the NEH to prepare procedures and guidelines which will assure that all grants are made by the chairman of those endowments with the approval of their council. Those grants will contain not only direct grants, but subgrants as well.

Mr. STEARNS. All right, let me take back my time.

I think to stop this outrageous behavior, we have to get extremely sensitive to what they have done. I think sending a message just deleting \$45,000 is not strong enough. We should move forward with a stronger message of \$14 million.

It is clear to me that the Army amendment will help the NEA to get more interested in the beliefs and the values of the people of this country, particularly the people in my district.

Mr. Chairman, I urge my colleagues to pass the Army amendment, to send a strong message to the NEA that Congress will not put up with this type of behavior.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I do not know if the gentleman heard the amendment that I offered, but would the gentleman agree that the key to all this is to make the agency fully accountable to the public and to this body that appropriates the money?

Mr. STEARNS. Yes, I would.

Mr. REGULA. And that the best way to address the problem is to require complete accountability for whatever might be done by way of grants, rather than leaving it to subgrantees.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, there was a Supreme Court Justice at one point who said that he could not define pornography, but he knew it when he saw it. Likewise, I cannot readily define censorship, but I know it when I see it.

Although I rise to oppose all three of these amendments, I would encourage my colleagues who want to do the least harm possible to the National Endowment for the Arts to support the latter amendment of the gentleman from Texas [Mr. STENHOLM].

Let us make no mistake about it, my friends, we are here today politicizing the National Endowment for the Arts. That is perilously close to censorship. We are exerting political pressure on them. We can couch it in good language. We can couch it in the grandeur of the Congress of the United States, operating in this Chamber, but it is censorship. In our efforts to hobble the freedom of artists in the United States, we are restricting the flow of money to the National Endowment. That is our brand of censorship.

This is punitive action. Indirectly, but in a very real sense, the Congress of the United States is herein today practicing censorship.

Twenty-four years ago the Endowment was created. At that time, the author of the Endowment, former Congressman from New York, John Brademas, and many artists and art aficionados around the United States worried that the Endowment might someday be used for censorship of some type of another.

□ 1500

There was some opposition to creating the Endowment, and now during the last few years and again here this afternoon we have seen those fears realized.

I want to say to my colleagues again this afternoon, as I did earlier today, that as chair of the authorizing committee, I believe that when we reauthorize this Endowment we are going to have to look very, very carefully as

to whether or not it is being used as a censorship body against the freedom of art in the United States.

Mr. ARMEY. Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise to oppose the pending Stenholm amendment and to support the Army amendment. I do that with some amount of regret, because this debate, these two amendments and this motion to strike, were unnecessary. It is a debate that never should have had to have happened, because we had the same debate in 1985, and the Congress thought that we had resolved the issue. We placed in the law explicit language that the National Endowment for the Arts would hold itself accountable to foster excellence.

The words of the statute which have been cited here previously in this debate are clear. They are unambiguous. They are rational. They are not censorship, and they are fully constitutional.

It now appears that what has happened in the last 4 years is that the National Endowment for the Arts, the administrators of the National Endowment, have decided that they did not like those words and they did not want to follow that law, and so for whatever reason they chose to circumvent both the spirit and probably the letter of the law with a process known as subgrants.

It seems to me that I concur with the committee's report and would go further that that subgranting procedure was a deliberate, direct, and damaging circumvention of Federal law.

It is true that the amendment offered by the gentleman from Texas [Mr. STENHOLM] would, I think, fire a shot across the bow, even though a modest shot across the bow, but it is also true and the fact is we already had fired the shot across the bow with the change in the law, and that change in the law did not seem to get the attention of the National Endowment.

It is regrettable that we have to face this today, but face it we must. There will be no doubt some artist with legitimate, excellent art who will be modestly damaged in their funding. It is true that the Army amendment is a blunt instrument, but this blunt instrument is the only instrument left for Congress to insist that the National Endowment for the Arts follow the law.

The NEA has brought this on themselves. Had they followed the law, both the letter and the spirit, we would not be here having this debate today. There would not be a Rohrabacher motion to strike. There would not be an Army amendment to cut 10 percent. There would not be a Sten-

hold amendment to cut \$45,000. There is no need for the debate except the National Endowment for the Arts has refused to abide by the letter and the spirit of Federal law to have the National Endowment foster excellence and hold itself accountable.

One last point, and that is that nothing that can happen here today, even with the Rohrabacher amendment or the Arme y amendment, can cripple or severely damage arts in this country. The total arts funding from the National Endowment for the Arts is \$145 million. That compares with tens of billions of dollars that are funded by the private sector, both individuals and corporations and local governments and a variety of sources that fund principally the arts in this country.

I urge a vote against the Stenholm amendment and for the Arme y amendment.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I would hope that we would reject these amendments.

I have been in Congress 15 years. We have seen these temper tantrums out of Members of Congress who second-guess the National Science Foundation, who second-guess the National Endowment for the Arts, because they do not perceive that this is excellence or not. They are offended by the works. I am offended by the works. But, once again, we have politicians rushing in to define what is academic work, what is a scientific endeavor, what is a work of artistic value, and when none of us are in the position to do that.

I think clearly this episode with the National Endowment has sent severe heartache to the ranking minority member and the chairman of this committee that the National Endowment understands that a serious mistake was made. What we now have is the efforts by the gentleman from Texas [Mr. ARMEY] and others to punish other artists who have no connection with this episode, children's theaters, community theaters, artists, symphonies, all the things we heard about today. They are the ones who are going to pay the price for actions taken by somebody else they may not even know or hear of or cared about. That is the instrument that this Congress uses that somehow Members are going to put in their newsletters that they took a courageous, bold action against this National Endowment for the Arts, an institution with a distinguished history that has leveraged government money to an overwhelming amount of private contributions and stimulation of the arts in this country. It is a disgrace to this body that we are considering these amendments.

Mr. ARMEY. Mr. Chairman, I yield 4 minutes to my good friend and colleague, the distinguished student of Milton Friedman, the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, for a freshman I am really learning the ropes here, and what a way to get my feet wet, having only been here for a short period of time and not having been here for 15 years.

I can understand why the people on the outside may be upset about this as well as people here on the floor. We have heard a lot of arguments today about censorship and about America's commitment to the arts.

Let me just say that my amendment is totally opposed to censorship. The amendment that advocates censorship is the Stenholm amendment. We believe that Government must be responsible for overseeing the taxpayers' money, but we do not believe in censorship if we support my amendment.

The debate is not whether there should be sexually explicit material viewed by adults in the public. The question is whether or not the taxpayers should subsidize sexually explicit art. That is what this issue is all about.

The fact is that sexually explicit art has been subsidized, and we do not believe, and those of us who are voting for this amendment do not believe, it is appropriate to use Federal funds to demonstrate this and to exhibit this or to subsidize the artists in this endeavor.

What about America's commitment to the arts? We have heard today that because I am offering an amendment that the Federal Government should not be spending \$171 million for the National Endowment for the Arts that I have, and those people who are supporting this amendment have, some lack of commitment to the arts. The United States spends more money on the arts than any other nation on this planet. The money is not being spent, only except for a minuscule amount, by the Federal Government.

If Members do not believe in censorship, which I do not believe, because I am a writer, we should not believe that the Federal Government should be controlling hundreds of millions of dollars in the arts and making decisions like that for the American people. It is the people themselves, the taxpayers themselves, who should be making decisions about what kind of art is being produced, what kind of artists should be supported and what their local art dealers and what their local art galleries should be displaying.

We are talking about freedom of the arts when we are talking about leaving that money in the hands of the people instead of co-opting \$171 million of taxpayers' money, taking it out of the local area and giving it to the Federal

bureaucracy and letting them decide how that money will be spent.

I have a commitment to the arts. I am a writer. That is what I do by profession. I am against censorship, because I am a writer. That is why we should leave this money in the hands of the people at the local level to make those decisions for themselves.

I can guarantee the Members that if this money was in the hands of the people, the taxpayers, they would not be sponsoring art like "Piss Christ" and they would not be sponsoring this other type of pornographic art. If they did, it would be their own business. I would just leave the Members with this: I have heard a lot of arguments today, and there have been a lot of people suggesting that those of us who are supporting my amendment are in favor of some kind of censorship. That is wrong.

The people have been questioning our commitment to the arts. That is wrong.

What this is about is whether or not in this time of budget crisis, when we have to make decisions on priorities, whether we are going to spend money on prenatal care and whether we are going to be talking about the school lunch program, whether or not we are going to siphon that money away into something that should be handled specifically by the private sector.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

□ 1510

Mr. STENHOLM. Mr. Chairman, never have so many words been uttered on this floor which have no basis whatsoever in fact about my intent with this amendment.

Censorship: absolutely not. I offer this amendment because I have been persuaded in numerous conversations with the gentleman from Illinois [Mr. YATES], chairman of the subcommittee, that he is avoiding censorship with what he and my colleague, the gentleman from Texas [Mr. ARMEY] have been attempting to do to address the problem.

Political pressure: you better believe it. To my colleagues who say there is no basis on this floor to have political pressure put on those agencies who depend upon us for money, I am here to participate in putting political pressure and believe that to be anything but censorship.

My colleague from Texas [Mr. BARTLETT] makes a point, and I am rather surprised that he is here today not accepting victory instead of saying we must do more, because I happen to believe that since 1985 the message has been received. If we have had \$45,000 worth of questions since 1985 because of the activities of my colleague, the gentleman from Texas [Mr. BARTLETT]

and I believe the gentleman from Texas [Mr. ARMEY] was also present at that time and involved, and I know we were too in a helpful way, if only the rest of the government would perform in listening to the intent of Congress as well as NEA has done since 1985.

Censorship? No, absolutely not. If my amendment is censorship, as my colleague from Texas charged, then I would say let us put it in perspective. The amendment of the gentleman from Texas is also censorship, and mine is 0.004 as much. I disavow any censorship in his amendment or in mine.

What I am saying is we are sending an appropriate political message. Through the work of the committee, led by Chairman YATES, we are delivering that message, and I am predicting that we will come back here in 4 years and again declare victory. I wish we could do it today.

Mr. ARMEY. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, again I express my appreciation to both the ranking member and the chairman and the members of the committee, and again express my regret that we have spent so much of our time today on what clearly has to be that portion of their bill which is the least urgent to the Nation's health and welfare. But still, nevertheless, that is where the controversy is found.

As we discuss this issue then, whether or not to pass on the \$14.4 million reminder of responsibility that I offer for this agency, many Members have claimed that this is censorship. Let me be very clear about this. The issue is not censorship with this amendment. That claim is out of therapeutic rationalization of a social injustice that is beneath the dignity of those who make it, and we ought not fool ourselves.

The question is discipline. Will this agency that has the privilege of spending the money of the American working men and women; the average working man and woman in America would have had to work 276 days of their working life to pay for Mapplethorpe and Serrano, and they would not have spent their money that foolishly; will this agency, after having ignored the message we sent of \$9 million in 1985, after ignoring the legislation, will they be sensitive to the American people?

The CHAIRMAN. The time of the gentleman from Texas [Mr. ARMEY] has expired.

The gentleman from Illinois [Mr. YATES] has 30 seconds remaining.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM] to the perfecting amendment offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 361, noes 65, answered "present" 1, not voting 4, as follows:

[Roll No. 132]

AYES—361

Ackerman	Dwyer	Kastenmeier
Akaka	Dymally	Kennedy
Alexander	Dyson	Kennelly
Anderson	Early	Kildee
Andrews	Eckart	Kolbe
Annunzio	Edwards (CA)	Kolter
Anthony	Edwards (OK)	LaFalce
Applegate	Emerson	Lagomarsino
Aspin	English	Lancaster
Atkins	Erdeich	Lantos
AuCoin	Espy	Laughlin
Baker	Evans	Leach (IA)
Barnard	Fascell	Leath (TX)
Bateman	Fawell	Lehman (CA)
Bates	Fazio	Lehman (FL)
Beilenson	Feighan	Leland
Bennett	Fish	Lent
Bentley	Flake	Levin (MI)
Bereuter	Flippo	Levine (CA)
Berman	Florio	Lewis (CA)
Bevill	Ford (MI)	Lewis (FL)
Bilbray	Ford (TN)	Lewis (GA)
Bilirakis	Frank	Lipinski
Bliley	Frenzel	Lloyd
Boehlert	Frost	Long
Boggs	Garcia	Lowery (CA)
Bonior	Gaydos	Lowey (NY)
Borski	Gejdenson	Lukens, Thomas
Bosco	Gephardt	Machtley
Boucher	Gibbons	Madigan
Boxer	Gilman	Manton
Brennan	Glickman	Markey
Brooks	Gonzalez	Marlenee
Broomfield	Goodling	Martin (IL)
Browder	Gordon	Martin (NY)
Brown (CA)	Goss	Martinez
Bruce	Gradison	Matsui
Bryant	Grandy	Mavroules
Buechner	Grant	Mazzoli
Bunning	Gray	McCloskey
Bustamante	Green	McCollum
Byron	Guarini	McCrery
Campbell (CO)	Gunderson	McCurdy
Cardin	Hall (OH)	McDade
Carper	Hall (TX)	McDermott
Carr	Hamilton	McEwen
Chandler	Hammerschmidt	McGrath
Chapman	Hansen	McHugh
Clarke	Harris	McMillan (NC)
Clay	Hastert	McMillen (MD)
Clement	Hatcher	McNulty
Clinger	Hawkins	Meyers
Coble	Hayes (IL)	Mfume
Coleman (MO)	Hayes (LA)	Michel
Coleman (TX)	Hefley	Miller (CA)
Conte	Hefner	Miller (OH)
Cooper	Henry	Miller (WA)
Costello	Hertel	Mineta
Coughlin	Hiler	Moakley
Courter	Hochbrueckner	Molinari
Coyne	Hopkins	Mollohan
Craig	Horton	Montgomery
Dannemeyer	Hoyer	Moody
Darden	Hubbard	Moorhead
Davis	Huckaby	Morella
de la Garza	Hughes	Morrison (CT)
DeFazio	Hutto	Morrison (WA)
Dellums	Ireland	Mrazek
Derrick	Jacobs	Murphy
Dickinson	James	Murtha
Dicks	Jenkins	Myers
Dingell	Johnson (CT)	Nagle
Dixon	Johnson (SD)	Natcher
Donnelly	Johnston	Neal (MA)
Dorgan (ND)	Jones (NC)	Neal (NC)
Downey	Jontz	Nelson
Dreier	Kanjorski	Nowak
Durbin	Kaptur	Oakar

Oberstar	Russo	Stearns
Obey	Sabo	Stenholm
Olin	Saiki	Stokes
Ortiz	Sangmeister	Sundquist
Owens (UT)	Sarpalius	Swift
Oxley	Savage	Synar
Pallone	Sawyer	Tallon
Panetta	Saxton	Tauke
Parker	Scheuer	Tauzin
Parris	Schiff	Thomas (CA)
Patterson	Schneider	Thomas (GA)
Paxon	Schroeder	Thomas (WY)
Payne (NJ)	Schuetz	Torricelli
Payne (VA)	Schulze	Towns
Pease	Schumer	Traficant
Pelosi	Sharp	Traxler
Penny	Shaw	Udall
Perkins	Shays	Unsoeld
Pickett	Sikorski	Upton
Pickle	Sisisky	Valentine
Porter	Skaggs	Vander Jagt
Poshard	Skeen	Vento
Price	Skelton	Visclosky
Pursell	Slattery	Volkmeyer
Quillen	Slaughter (NY)	Vucanovich
Rahall	Slaughter (VA)	Walgren
Rangel	Smith (FL)	Walsh
Ray	Smith (IA)	Watkins
Regula	Smith (NE)	Waxman
Rhodes	Smith (NJ)	Weldon
Richardson	Smith (TX)	Wheat
Ridge	Smith (VT)	Whittaker
Rinaldo	Smith, Denny	Whitten
Ritter	(OR)	Wilson
Roberts	Smith, Robert	Wise
Robinson	(OR)	Wolf
Roe	Snowe	Wolpe
Rogers	Solarz	Wyden
Rose	Spence	Wyllie
Rostenkowski	Spratt	Yates
Rowland (CT)	Staggers	Yatron
Rowland (GA)	Stallings	Young (AK)
Roybal	Stark	Young (FL)

NOES—65

Archer	Gallo	Pashayan
Armey	Gekas	Petri
Ballenger	Gillmor	Rohrabacher
Bartlett	Gingrich	Roth
Barton	Hancock	Roukema
Brown (CO)	Herger	Schaefer
Burton	Hoagland	Sensenbrenner
Callahan	Holloway	Shumway
Campbell (CA)	Houghton	Shuster
Combest	Hunter	Smith (MS)
Cox	Inhofe	Smith, Robert
Crane	Jones (GA)	(NH)
Crockett	Kasich	Solomon
DeLay	Klecza	Stangeland
DeWine	Kostmayer	Studds
Dornan (CA)	Kyl	Stump
Douglas	Lightfoot	Tanner
Duncan	Livingston	Torres
Engel	Lukens, Donald	Walker
Fields	McCandless	Weber
Foglietta	Nielson	Weiss
Gallegly	Packard	Williams

ANSWERED "PRESENT"—1

Owens (NY)

NOT VOTING—4

Collins Hyde
Conyers Ravenel

□ 1536

Messrs. WEISS, HOAGLAND, GEKAS, and FOGLIETTA changed their vote from "aye" to "no."

Messrs. LEACH of Iowa, GREEN, WHEAT, HANSEN, SMITH of Vermont, BLILEY, SLAUGHTER of Virginia, AKAKA, and COBLE changed their vote from "no" to "aye."

So the amendment to the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STEARNS AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT, AS AMENDED OFFERED BY MR. ARMEY

Mr. STEARNS. Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. STEARNS as a substitute for the perfecting amendment, as amended, offered by Mr. ARMEY:

In lieu of the amendment offered by Congressman ARMEY insert the following.

Page 76, line 18 strike "144,250,000" and insert in lieu thereof "137,037,500".

The CHAIRMAN. Under the previous unanimous consent order of the committee, this amendment is not debatable. The question, therefore, is on the amendment offered by the gentleman from Florida [Mr. STEARNS] as a substitute for the perfecting amendment offered by the gentleman from Texas [Mr. ARMEY], as amended.

The question was taken; the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 95, noes 328, not voting 8, as follows:

[Roll No. 133]

AYES—95

Archer	Hall (OH)	Pashayan
Armey	Hall (TX)	Patterson
Ballenger	Hamilton	Petri
Bartlett	Hancock	Ridge
Barton	Hansen	Ritter
Bennett	Hefley	Rohrabacher
Brennan	Herger	Roth
Brown (CO)	Hoagland	Roukema
Bunning	Holloway	Sarpalius
Burton	Hopkins	Sensenbrenner
Callahan	Hubbard	Shumway
Campbell (CA)	Hunter	Shuster
Coble	Inhofe	Slaughter (VA)
Combest	Kaptur	Smith (MS)
Cox	Kasich	Smith (NE)
Craig	Kyl	Smith (NJ)
Crane	Leath (TX)	Smith, Denny
Dannemeyer	Lightfoot	(OR)
DeLay	Livingston	Smith, Robert
DeWine	Lukens, Donald	(NH)
Dickinson	Madigan	Solomon
Donnelly	Marlenee	Stangeland
Dornan (CA)	Martin (IL)	Stearns
Douglas	McEwen	Stump
Dreier	Michel	Tallon
Duncan	Miller (OH)	Tanner
Emerson	Molinari	Walgren
Fields	Montgomery	Walker
Gallegly	Moorhead	Weber
Gekas	Nielson	Wilson
Gingrich	Packard	Young (AK)
Goodling	Parker	
Gradison	Parris	

NOES—328

Ackerman	Bates	Boucher
Akaka	Beilenson	Boxer
Alexander	Bentley	Brooks
Anderson	Bereuter	Broomfield
Andrews	Berman	Browder
Annunzio	Bevill	Brown (CA)
Anthony	Bilbray	Bruce
Applegate	Bilirakis	Bryant
Aspin	Billey	Buechner
Atkins	Boehlert	Bustamante
AuCoin	Boggs	Byron
Baker	Bonior	Campbell (CO)
Barnard	Borski	Cardin
Bateman	Bosco	Carper

Carr	Jones (GA)	Pursell
Chandler	Jones (NC)	Quillen
Chapman	Jontz	Rahall
Clarke	Kanjorski	Rangel
Clay	Kastenmeier	Ray
Clement	Kennedy	Regula
Clinger	Kennelly	Rhodes
Coleman (MO)	Kildee	Richardson
Coleman (TX)	Kiecicka	Rinaldo
Conte	Kolbe	Roberts
Cooper	Kolter	Robinson
Costello	Kostmayer	Roe
Coughlin	LaFalce	Rogers
Courter	Lagomarsino	Rostenkowski
Coyne	Lancaster	Rowland (CT)
Crockett	Lantos	Rowland (GA)
Darden	Laughlin	Roybal
Davis	Leach (IA)	Russo
de la Garza	Lehman (CA)	Sabo
DeFazio	Lehman (FL)	Saiki
Dellums	Leland	Sangmeister
Derrick	Lent	Savage
Dicks	Levin (MI)	Sawyer
Dingell	Levine (CA)	Saxton
Dixon	Lewis (CA)	Schaefer
Dorgan (ND)	Lewis (FL)	Scheuer
Downey	Lewis (GA)	Schiff
Durbin	Lipinski	Schneider
Dwyer	Lloyd	Schroeder
Dymally	Long	Schuetz
Dyson	Lowery (CA)	Schulze
Early	Lowey (NY)	Schumer
Eckart	Lukens, Thomas	Sharp
Edwards (CA)	Machtley	Shaw
Edwards (OK)	Manton	Shays
Engel	Markey	Sikorski
English	Martin (NY)	Sisisky
Erdreich	Martinez	Skaggs
Espy	Matsui	Skeen
Evans	Mavroules	Skelton
Fascell	Mazzoli	Slattery
Fawell	McCandless	Slaughter (NY)
Fazio	McCloskey	Smith (FL)
Feighan	McCollum	Smith (IA)
Fish	McCrery	Smith (TX)
Flake	McCurdy	Smith (VT)
Flippo	McDade	Smith, Robert
Florio	McDermott	(OR)
Foglietta	McGrath	Snowe
Ford (MI)	McHugh	Solarz
Ford (TN)	McMillan (NC)	Spence
Frank	McMillen (MD)	Spratt
Frost	McNulty	Staggers
Gallo	Meyers	Stallings
Garcia	Mfume	Stark
Gaydos	Miller (CA)	Stenholm
Gejdenson	Miller (WA)	Stokes
Gephardt	Mineta	Studds
Gibbons	Moakley	Sundquist
Gillmor	Mollohan	Swift
Gilman	Moody	Synar
Glickman	Morella	Tauke
Gonzalez	Morrison (CT)	Tauzin
Gordon	Morrison (WA)	Thomas (GA)
Goss	Mrazek	Thomas (WY)
Grandy	Murphy	Torres
Grant	Murtha	Torricelli
Gray	Myers	Towns
Green	Nagle	Trafficant
Guarini	Natcher	Traxler
Gunderson	Neal (MA)	Udall
Hammerschmidt	Neal (NC)	Unsoeld
Harris	Nelson	Upton
Hastert	Nowak	Valentine
Hatcher	Oakar	Vander Jagt
Hawkins	Oberstar	Vento
Hayes (IL)	Obey	Visclosky
Hayes (LA)	Olin	Volkmer
Hefner	Ortiz	Vucanovich
Henry	Owens (NY)	Watkins
Hertel	Owens (UT)	Waxman
Hiler	Oxley	Weiss
Hochbrueckner	Pallone	Weldon
Horton	Panetta	Wheat
Houghton	Paxon	Whittaker
Hoyer	Payne (NJ)	Whitten
Huckaby	Payne (VA)	Williams
Hughes	Pease	Wise
Hutto	Pelosi	Wolf
Ireland	Penny	Wolpe
Jacobs	Perkins	Wyden
James	Pickett	Wylie
Jenkins	Pickle	Yates
Johnson (CT)	Porter	Yatron
Johnson (SD)	Poshard	Young (FL)
Johnston	Price	

NOT VOTING—8

Collins	Hyde	Thomas (CA)
Conyers	Ravenel	Walsh
Frenzel	Rose	

□ 1557

Mr. HALL of Texas changed his vote from "no" to "aye."

So the amendment offered as a substitute for the perfecting amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Chairman, on roll-call No. 133 I was unavoidably detained in committee. Had I been present I would have voted "no."

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Texas [Mr. ARMEY], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 332, noes 94, not voting 5, as follows:

[Roll No. 134]

AYES—332

Alexander	Cooper	Gonzalez
Andrews	Costello	Goodling
Annunzio	Coughlin	Gordon
Anthony	Courter	Goss
Applegate	Cox	Gradison
Archer	Craig	Grandy
Armey	Crane	Grant
Aspin	Dannemeyer	Gray
Baker	Darden	Guarini
Ballenger	Davis	Gunderson
Barnard	de la Garza	Hall (OH)
Bartlett	DeFazio	Hall (TX)
Barton	DeLay	Hamilton
Bateman	Derrick	Hammerschmidt
Bennett	DeWine	Hancock
Bentley	Dickinson	Hansen
Bereuter	Dingell	Harris
Bevill	Donnelly	Hastert
Bilbray	Dorgan (ND)	Hatcher
Bilirakis	Dornan (CA)	Hayes (LA)
Bliley	Douglas	Hefley
Boehlert	Dreier	Hefner
Boggs	Duncan	Herger
Bonior	Durbin	Hiler
Borski	Dwyer	Hoagland
Bosco	Dyson	Holloway
Boucher	Early	Hopkins
Brennan	Eckart	Horton
Broomfield	Edwards (OK)	Hubbard
Browder	Emerson	Huckaby
Brown (CO)	English	Hughes
Bruce	Erdreich	Hunter
Bryant	Espy	Hutto
Buechner	Fawell	Inhofe
Bunning	Fields	Ireland
Burton	Fish	Jacobs
Bustamante	Flake	James
Byron	Flippo	Jenkins
Callahan	Florio	Johnson (CT)
Campbell (CO)	Frost	Johnson (SD)
Carper	Gallegly	Johnston
Carr	Gallo	Jones (NC)
Chandler	Garcia	Jontz
Chapman	Gaydos	Kanjorski
Clarke	Gekas	Kaptur
Clement	Gephardt	Kasich
Clinger	Gibbons	Kennedy
Coble	Gillmor	Kennelly
Coleman (MO)	Gilman	Kildee
Coleman (TX)	Gingrich	Kolbe
Combest	Glickman	Kolter

Kyl	Owens (UT)	Skelton
LaFalce	Oxley	Slattery
Lagomarsino	Packard	Slaughter (NY)
Lancaster	Pallone	Slaughter (VA)
Lantos	Panetta	Smith (IA)
Laughlin	Parker	Smith (MS)
Leath (TX)	Parris	Smith (NE)
Lehman (CA)	Pashayan	Smith (NJ)
Lent	Patterson	Smith (TX)
Levin (MI)	Paxon	Smith, Denny
Lewis (CA)	Payne (VA)	(OR)
Lewis (FL)	Penny	Smith, Robert
Lightfoot	Perkins	(NH)
Livingston	Petri	Smith, Robert
Lloyd	Pickett	(OR)
Long	Pickle	Snowe
Lowery (CA)	Porter	Solomon
Lukens, Donald	Poshard	Spence
Machtley	Price	Spratt
Madigan	Pursell	Staggers
Manton	Quillen	Stallings
Marlenee	Rangel	Stangeland
Martin (IL)	Ray	Stearns
Martin (NY)	Regula	Stenholm
Martinez	Rhodes	Stump
Mazzoli	Richardson	Sundquist
McCandless	Ridge	Swift
McCloskey	Rinaldo	Synar
McCollum	Ritter	Tallon
McCrery	Roberts	Tanner
McCurdy	Roe	Tauke
McDade	Rogers	Tauzin
McEwen	Rohrabacher	Thomas (CA)
McGrath	Rose	Thomas (GA)
McMillan (NC)	Rostenkowski	Thomas (WY)
McMillen (MD)	Roth	Torricelli
McNulty	Roukema	Trafiante
Meyers	Rowland (CT)	Traxler
Michel	Rowland (GA)	Unsoeld
Miller (OH)	Russo	Upton
Miller (WA)	Saiki	Valentine
Moakley	Sangmeister	Vander Jagt
Molinari	Sarpalius	Vento
Mollohan	Sawyer	Visclosky
Montgomery	Saxton	Volkmer
Moorhead	Schaefer	Vucanovich
Morrison (WA)	Schiff	Walgren
Mrazek	Schneider	Walker
Murphy	Schroeder	Walsh
Murtha	Schuetz	Watkins
Myers	Schulze	Weber
Nagle	Sensenbrenner	Weldon
Natcher	Sharp	Whittaker
Neal (NC)	Shaw	Wilson
Nelson	Shays	Wise
Nielson	Shumway	Wolf
Nowak	Shuster	Wylie
Oberstar	Sikorski	Yatron
Obey	Siskys	Young (AK)
Olin	Skaggs	Young (FL)
Ortiz	Skeen	

NOES—94

Ackerman	Gejdenson	Neal (MA)
Akaka	Green	Oakar
Anderson	Hawkins	Owens (NY)
Atkins	Hayes (IL)	Payne (NJ)
AuCoin	Henry	Pease
Bates	Hertel	Pelosi
Beilenson	Hochbrueckner	Rahall
Berman	Houghton	Robinson
Boxer	Hoyer	Roybal
Brooks	Jones (GA)	Sabo
Brown (CA)	Kastenmeier	Savage
Campbell (CA)	Kleczka	Scheuer
Cardin	Kostmayer	Schumer
Clay	Leach (IA)	Smith (FL)
Conte	Lehman (FL)	Smith (VT)
Coyne	Leland	Solarz
Crockett	Levine (CA)	Stark
Dellums	Lewis (GA)	Stokes
Dicks	Lipinski	Studds
Dixon	Lowey (NY)	Torres
Downey	Lukens, Thomas	Towns
Dymally	Markey	Udall
Edwards (CA)	Matsui	Waxman
Engel	Mavroules	Weiss
Evans	McDermott	Wheat
Fasell	McHugh	Whitten
Fazio	Mfume	Williams
Feighan	Miller (CA)	Wolpe
Foglietta	Mineta	Wyden
Ford (MI)	Moody	Yates
Ford (TN)	Morella	
Frank	Morrison (CT)	

NOT VOTING—5

Collins	Frenzel	Ravenel
Conyers	Hyde	

□ 1615

Mrs. UNSOELD and Messrs. Boucher, MOAKLEY, and PORTER changed their vote from "no" to "aye."

So the perfecting amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 46, line 3, strike "construction" and insert "completion".

Mr. YATES. Mr. Chairman, this correction is purely a technical amendment, and I need say nothing beyond that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California [Mr. SHUMWAY], the gentleman from California [Mr. FAZIO], and the gentleman from California [Mr. MATSUI] have asked to have a colloquy with me.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I am happy to yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee and my colleagues from Sacramento regarding a \$300,000 funding provision in this bill to conduct a study of the feasibility and desirability of a national recreation area at the Auburn Dam site on the American River in California.

This site is in my congressional district and coincides with the site for the authorized Auburn Dam. As a long-time supporter of this multipurpose project, and as one who has advocated its completion, I am concerned that we are authorizing a study for a proposal which might be at cross-purposes with the multipurpose project. Indeed, there have been past proposals by opponents of the multipurpose dam that a National Recreation Area be designated at that site in lieu of completing the multipurpose project.

I do not support an NRA at the Auburn site if it in any way impedes my efforts, and the efforts of my constituents, to work for completion of this needed multipurpose project.

Mr. YATES. The gentleman has raised an important point. As the language in the committee report accompanying H.R. 2788 says the study shall examine the desirability and feasibility of an NRA "in association with a flood control or multipurpose project * * * And such study shall assume the potential floodability of the NRA as a result of the construction of a multipurpose dam or the eventual enlargement of a facility built primarily or exclusively for flood control in the near term."

Mr. SHUMWAY. This provision then in no way prejudices the desirability of completing the multipurpose project as opposed to a flood control-only project. Is that correct?

Mr. YATES. The gentleman is correct.

Mr. SHUMWAY. The study, then, is not to look at whether an NRA is preferable in lieu of a multipurpose dam, but rather only looks at the possibility of an NRA in conjunction with a multipurpose dam or an expandable flood control dam which is inundated in its second stage. Is that correct?

Mr. YATES. The gentleman is correct.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. FAZIO. Let me assure my colleague from California that it is my intent that this study provision simply serve to ensure that all of the needed information is available next year so that when the corps completes their report, and the Bureau of Reclamation also completes their work, the affected communities and the Congress will be in a position to make a fully informed choice between the expandable flood control options and the multipurpose project options.

We don't know if an NRA proposal is or is not compatible with the various flood control options, including the multipurpose options. That's what the study is to determine. It is not intended to bias the debate toward or against a multipurpose project or an expandable dry dam option in any way.

Mr. MATSUI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. MATSUI. I would concur with the chairman and Mr. FAZIO regarding our intent on this NRA study provision. The Sacramento area is in dire need of flood protection, and while this is only one issue in that larger debate, it is important that we have the information needed on all of these issues to ensure that the decisions on flood control are made in a timely fashion.

This study does not envision that an NRA would be designated at cross purposes to any of the flood control op-

tions including a multipurpose project. Indeed there are a number of Bureau of Reclamation multipurpose projects which have NRA's designated in association with them, such as Shasta and Lake Berryessa.

Mr. SHUMWAY. I thank the Chairman and my colleagues from Sacramento and with those assurances I will not oppose this provision.

Mr. YATES. Mr. Chairman, I have been requested to engage in a colloquy with the gentleman from Washington [Mr. CHANDLER].

I yield to the gentleman from Washington for that purpose.

Mr. CHANDLER. Mr. Chairman, I rise to commend the Appropriations Committee, Chairman YATES, my distinguished colleague from the State of Washington, Mr. DICKS, and the other members of the Interior Subcommittee for their excellent work on this bill.

I am particularly pleased with the inclusion of \$25 million for trail maintenance. This has been an important issue for the Washington delegation. Over the past 4 years we have succeeded in bringing trail funding up from a low of \$9.3 million in fiscal year 1985 to over \$21 million for fiscal year 1989. This year's appropriation of \$25 million is both badly needed and greatly appreciated.

Unfortunately, in spite of last year's record outlay on a national basis, the State of Washington suffered a significant decrease due to program cuts in the Senate and poor Forest Service policy planning.

At this time, I would like to enter into a colloquy with my colleague the chairman of the subcommittee Mr. YATES.

In fiscal year 1989, the actual trail appropriation for the Pacific Northwest Region was \$3.5 million, about \$2 million less than the fiscal year 1987 figure. There was also a \$2 million reduction within region 6 because of a line item specifying this money for the Siskiyou National Forest and the Mt. St. Helens National Volcanic Monument.

The result was that about \$1.5 million was left to be distributed to all other national forests in region 6. In the case of Mt. Baker Snoqualmie National Forest, this cut resulted in a reduction of trail construction from about \$590,000 in fiscal year 1988 to less than \$200,000 in fiscal year 1989, effectively gutting the forest's trail program and totally disrupting long-term planning.

Is it your understanding that any program cuts for trail maintenance are meant to be spread out on a nationwide basis, and not limited to individual forest service regions?

Mr. YATES. Yes, the gentleman from Washington is correct. Program cuts should be spread out on a nationwide basis, and not limited to individ-

ual forest service regions. Last year's Forest Service decision to cut the total amount for region 6 and then fund some programs within the region at the expense of other forests there was inappropriate and it should not be done again. Nothing in this bill authorizes these kind of allocations.

Mr. CHANDLER. I thank the gentleman and the committee for their support and assistance.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the chairman first of all for engaging in this colloquy. The trail program is something that the gentleman from Illinois has been a very great leader on, and we in region 6 appreciate the fact that he is going to help us to try to keep some of the trail moneys in our area.

I also want to commend my friend, the gentleman from Washington, who has been a tireless advocate for expanding the resources for the trails, and I enjoyed working with the gentleman on this important project for our State.

Mr. YATES. Mr. Chairman, I have been requested by the gentleman from Iowa [Mr. NAGLE] to engage in a colloquy.

I yield to the gentleman from Iowa for that purpose.

Mr. NAGLE. Mr. Chairman, as we have talked about, I have a Indian settlement in my district, the Sac and Fox Tribe Settlement located near Tama, IA. The Bureau of Indian Affairs [BIA] owns and operates the school building in which the tribe educates its children.

I have taken a tour of this school building and have found that the BIA has been woefully negligent in providing for the safe upkeep and maintenance of the building. At present, I believe this 52-year-old, all-wooden building to be a safety hazard for the students and teachers that use the building.

While I am aware of the BIA's policy to not fund new school construction at settlements where an alternative public school is within 100 miles of the settlement; I am truly concerned about the safety of the individuals using the building. The Sac and Fox Tribe has a deep commitment to educating their children in their cultural heritage as well as in the traditional subjects taught in our public schools, but the condition of the building is beginning to impair that process.

We discussed the budget problems when we talked earlier about this sub-

ject and I accept those limitations. However, I want to urge the BIA to address the safety problems at the Sac and Fox Settlement school at the earliest possible time.

Mr. YATES. I appreciate the gentleman bringing this issue to my attention. Your request is very commendable. I know you are aware of the constraints on the budget this year and the work I am trying to do in my subcommittee with this limiting budget. I want to assure you that I will have the Bureau of Indian Affairs look closely into the problem you mention in your district and I invite you to come before my subcommittee in the future with a similar request.

Mr. NAGLE. Thank you, Mr. Chairman, for your concern and assistance. It is appreciated.

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia. [Mr. PARRIS] for the purposes of a colloquy.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding. I would like to engage in a colloquy with the gentleman concerning the \$5.1 million which was cut from the request for the U.S. Park Police multiengine helicopter for drug interdiction and other activities in the Washington metropolitan area.

As the gentleman from Ohio is aware, the mission of the U.S. Park Police Aviation Division located in Anacostia is multifaceted. There are three basic duty categories under which this unit operates. Specifically, medivac, drug and law enforcement and Secret Service support.

The missions flown by the Park Police Aviation Section are some of the most demanding in civil aviation, utilizing two aging single engine helicopters.

The helicopters provide aerial support to police ground units in instances such as drug interdiction, search and apprehension of wanted subjects, and car chases. The aircraft are also utilized extensively in aerial marijuana eradication efforts.

Since 1973, the aviation unit has averaged more than 300 critical medical evacuations per year from the actual crime or accident scenes. Greater than 85 percent of those transported by the Park Police unit to area specialty and shock trauma facilities have survived. The unit is also responsible for rescuing an average of 20 people per year from almost certain death in the treacherous waters of the Potomac River, not to mention the 5 survivors who were plucked from the icy waters of the Potomac following the 1982 crash of Air Florida's Flight 90.

The Aviation Unit is also responsible for providing aerial surveillance and security during Presidential, Vice Presidential, and VIP motorcades, and

during their flights in and out of Andrews Air Force Base.

The unit is sorely in need of the replacement twin engine helicopter not only because of the age and number of hours on the existing single-engine aircraft, but also because of the increased operational capability demands which have been placed upon the unit, and for safety reasons.

The gentleman from Ohio will recall that he and I engaged in another colloquy on this very same subject on July 31, 1985, a copy of which I include in the RECORD at this point. The gentleman also raised this issue during Interior Subcommittee hearings in both 1986 and 1988.

Mr. PARRIS. Mr. Chairman, I would like to engage the ranking minority member in a short colloquy, if I could.

The Park Police Aviation Union in Anacostia was formed in 1973. To date it has logged over 12,600 accident-free flight hours, has transported over 1,945 patients on flights from accident scenes in the Washington metropolitan area.

In addition, this unit has rescued countless people from certain death after they have fallen in or have wandered into the dangerous waters of the Potomac River at Great Falls.

The unit provides security for the President, Vice President, visiting dignitaries, and the like.

The Park Police Aviation section is in serious need of more up-to-date aircraft. It is particularly important that this be done to ensure the safety of the pilots, medical technicians, and patients, while carrying out rescue and medivac operations.

To this end, I will seek to have \$3,518,714 included in the fiscal year 1986 Interior supplemental appropriations bill in the spring for the procurement of two Bell 222 UT helicopters, the cost of which would be offset by disposing of the unit's present aircraft.

Would the gentleman respond to that?

I yield to the gentleman from Ohio.

Mr. REGULA. Would the gentleman from Virginia expand a little bit and summarize the cost that would be associated with this procurement.

Mr. PARRIS. I would be delighted to provide that information and, of course, will do so for the record.

Each aircraft with the necessary equipment and necessary medivac rescue modifications would cost \$1,759,357 less, of course, the surplus value of their current aircraft.

Mr. REGULA. I thank the gentleman for his contribution. I think he makes a point that we overlook and that is that the Park Service has a very substantial responsibility in the metropolitan area of Virginia, the District of Columbia, and Maryland, because of the highway supervision. They are a police force that most people do not realize are carrying this burden of covering such a large area.

I agree with the gentleman that the need for the new aircraft is clear. It is a medivac type of thing. I would be happy and I am confident the Chairman would be to consider such a proposal when we get the fiscal year 1986 supplemental appropriations bill.

Mr. PARRIS. Mr. Chairman, I thank the gentleman very much for his interest in this matter and express my hope that the proposal will receive the support of the committee at the time of the supplemental.

I would just add that the critical factor here is they have single-engine airplanes now with limited lift capability. If you get a net hanging under one of these helicopters and there are 8 or 10 people in the river and they all get on the net at the same time, you are going to lose the people, the pilots, and the helicopter, without the twin-engine capability. I think that is an important safety consideration which deserves the committee's attention.

I thank the gentleman.

I was very pleased to see that the President included \$3.9 million in his budget request for a new twin engine helicopter for the unit. I was disturbed to learn, however, that the subcommittee struck all but \$759,000, just enough to cover the first year of a 7-year lease of the aircraft. Not only will this cost the Government an additional \$1.4 million, but the committee failed to provide for the additional fuel and maintenance costs of the new aircraft which are in the area of \$260,000, and pilot training costs of \$75,000.

My question is this, were I to abstain from offering an amendment to restore the \$5.1 million cut in committee, would the gentleman from Ohio be willing to assist this Member in appealing to the prospective conferees on the need for increased operational and training funds for the helicopter, and on the critical need for secure-voice radios and 9 mm weapons for the Park Police?

Mr. REGULA. Yes. In response to the gentleman, I am sympathetic to the concerns raised by the gentleman from Virginia.

I would point out, however, that the appropriations for the U.S. Park Police has grown by 55.8 percent since 1986, and that the bill today also represents an increase of \$3,147,000 over last year's level which, of course, includes the \$1.7 million increase for drug enforcement.

If, however, we learn between now and conference that the funding provided in the committee bill is in fact insufficient to cover the lease cost of the helicopter, we will examine that issue in the conference.

I appreciate the gentleman's bringing these concerns to my attention because we do want to insure that there is adequate protection for the Park Police and adequate equipment to do their job.

Mr. PARRIS. I thank the gentleman.

□ 1630

The CHAIRMAN. Are there further amendments to title II of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available

for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. Not part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 307. No funds appropriated or made available, heretofore or hereafter, under this or any other Act may be used by the executive branch or contract with organizations outside the Department of Energy to perform studies of the potential transfer out of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915: *Provided*, That the negotiation of changes to the unit plan contract with Chevron which governs operation of Elk Hills, where the purpose of the changes is to prepare for the divestiture of the Reserve, is prohibited.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 310. Employment funded by this Act shall not be subject to any personal ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provision of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the pre-suppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing land and resource management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: *Provided, however*, That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated, or in the case of the Bureau of Land Management, solely on the basis that the plan does not incorporate information available subsequent to the completion of the existing plan: *Provided further*, That any and all particular activities to be carried out under existing plans may nevertheless be challenged.

SEC. 314. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 315. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there points of order against title III of the bill?

Are there amendments to title III of the bill?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Beginning on page 82, line 14, strike all through page 83, line 4.

Mr. YATES. Mr. Chairman, the amendment deletes a provision enacted into law in fiscal 1989 dire Emergency Supplemental Appropriations Act (Public Law 101-45) dealing with restrictions on naval petroleum reserves divestiture activity.

Mr. REGULA. Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose and the Speaker pro tempore (Mr. FASCELL) having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 2788) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 374, noes 49, not voting 8, as follows:

[Roll No. 135]

AYES—374

Ackerman	Fasell	Leath (TX)
Akaka	Fawell	Lehman (CA)
Alexander	Fazio	Lehman (FL)
Anderson	Feighan	Leland
Andrews	Fish	Lent
Annunzio	Flake	Levin (MI)
Anthony	Flippo	Levine (CA)
Applegate	Florio	Lewis (CA)
Aspin	Foglietta	Lewis (FL)
Atkins	Ford (MI)	Lewis (GA)
AuCoin	Ford (TN)	Lightfoot
Balenger	Frank	Lipinski
Barnard	Frost	Lloyd
Bateman	Gallegly	Long
Bates	Gallo	Lowery (CA)
Bellenson	Garcla	Lowey (NY)
Bennett	Gaydos	Lukens, Thomas
Bentley	Geddeson	Lukens, Donald
Bereuter	Gephardt	Machtley
Berman	Gibbons	Madigan
Bevill	Gillmor	Manton
Bilbray	Gilman	Markey
Billakis	Gingrich	Marlenee
Boehlert	Glickman	Martin (NY)
Boggs	Gonzalez	Martinez
Bonior	Goodling	Matsui
Borski	Gordon	Mavroules
Bosco	Goss	Mazzoli
Boucher	Gradison	McCandless
Boxer	Grandy	McCloskey
Brennan	Grant	McCollum
Brooks	Gray	McCrery
Broomfield	Green	McCurdy
Browder	Guarini	McDade
Brown (CA)	Gunderson	McDermott
Bruce	Hall (OH)	McEwen
Buechner	Hall (TX)	McGrath
Bustamante	Hamilton	McHugh
Byron	Hammerschmidt	McMillan (NC)
Callahan	Harris	McMillen (MD)
Campbell (CA)	Hatcher	McNulty
Campbell (CO)	Hawkins	Meyers
Cardin	Hayes (IL)	Mfume
Carper	Hayes (LA)	Michel
Carr	Hefner	Miller (CA)
Chandler	Henry	Miller (WA)
Chapman	Herger	Mineta
Clarke	Hertel	Moakley
Clay	Hiler	Mollinari
Clement	Hoagland	Mollohan
Clinger	Hochbrueckner	Montgomery
Coleman (MO)	Hopkins	Moody
Coleman (TX)	Horton	Morella
Conte	Houghton	Morrison (CT)
Cooper	Hoyer	Morrison (WA)
Costello	Hubbard	Mrazek
Coughlin	Huckaby	Murphy
Courter	Hughes	Murtha
Coyne	Hunter	Myers
Craig	Hutto	Nagle
Crockett	Ireland	Natcher
Darden	Jacobs	Neal (MA)
Davis	James	Neal (NC)
de la Garza	Jenkins	Nelson
DeFazio	Johnson (CT)	Nowak
Dellums	Johnson (SD)	Oakar
Derrick	Johnston	Oberstar
DeWine	Jones (GA)	Obey
Dickinson	Jones (NC)	Olin
Dicks	Jontz	Ortiz
Dingell	Kanjorski	Owens (NY)
Dixon	Kaptur	Owens (UT)
Donnelly	Kasich	Pallone
Dorgan (ND)	Kastenmeier	Panetta
Douglas	Kennedy	Parker
Downey	Kennelly	Parris
Durbin	Kildee	Pashayan
Dwyer	Kleczka	Patterson
Dymally	Kolbe	Payne (NJ)
Dyson	Kolter	Payne (VA)
Early	Kostmayer	Pease
Eckart	Kyl	Pelosi
Edwards (CA)	LaFalce	Perkins
Emerson	Lagomarsino	Pickett
Engel	Lancaster	Pickle
Erdreich	Lantos	Porter
Espy	Laughlin	Poshard
Evans	Leach (IA)	Price

Pursell	Shaw	Thomas (GA)
Quillen	Shays	Thomas (WY)
Rahall	Sikorski	Torres
Rangel	Sisisky	Torricelli
Ray	Skaggs	Towns
Regula	Skeen	Trafficant
Rhodes	Skelton	Traxler
Richardson	Slattery	Udall
Ridge	Slaughter (NY)	Unsoeld
Rinaldo	Slaughter (VA)	Upton
Ritter	Smith (FL)	Valentine
Roberts	Smith (IA)	Vander Jagt
Robinson	Smith (MS)	Vento
Roe	Smith (NE)	Visclosky
Rogers	Smith (NJ)	Volkmer
Rose	Smith (TX)	Vucanovich
Rostenkowski	Smith (VT)	Walgren
Roth	Smith, Robert	Walsh
Roukema	(OR)	Watkins
Rowland (CT)	Solarz	Waxman
Rowland (GA)	Spence	Weber
Roybal	Spratt	Weiss
Russo	Staggers	Weldon
Sabo	Stallings	Wheat
Saiki	Stangeland	Whittaker
Sangmeister	Stark	Whitten
Savage	Stearns	Williams
Sawyer	Stenholm	Wilson
Saxton	Stokes	Wise
Scheuer	Studds	Wolf
Schiff	Sundquist	Wolpe
Schneider	Swift	Wyden
Schroeder	Synar	Wyllie
Schuette	Tallon	Yates
Schulze	Tanner	Yatron
Schumer	Tauzin	Young (AK)
Sharp	Thomas (CA)	Young (FL)

NOES—49

Archer	Duncan	Penny
Armey	Fields	Petri
Baker	Gekas	Rohrabacher
Bartlett	Hancock	Sarpalius
Barton	Hansen	Schaefer
Bliley	Hastert	Sensenbrenner
Brown (CO)	Hefley	Shumway
Bunning	Holloway	Shuster
Burton	Inhofe	Smith, Denny
Coble	Livingston	(OR)
Combest	Martin (IL)	Smith, Robert
Cox	Miller (OH)	(NH)
Crane	Moorhead	Snowe
Dannemeyer	Nielson	Solomon
DeLay	Oxley	Stump
Dornan (CA)	Packard	Tauke
Dreier	Paxon	Walker

NOT VOTING—8

Bryant	Edwards (OK)	Hyde
Collins	English	Ravenel
Conyers	Frenzel	

□ 1755

The Clerk announced the following pair:

On this vote:

Mrs. Collins for, with Mr. Frenzel against.

Mr. ROBERTS changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2788, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2788, the Clerk shall be authorized to make any necessary technical corrections.

The SPEAKER pro tempore (Mr. NAGLE). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that on tomorrow, Thursday, July 13, 1989, the Committee on Energy and Commerce be permitted to sit during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. CRAIG. Mr. Speaker, reserving the right to object, let me ask this question of the gentleman: Has this been properly cleared by the minority?

Mr. SHARP. Mr. Speaker, if the gentleman will yield, it certainly has. The gentleman from New York [Mr. LENT] is here, and the gentleman may wish to yield to him.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, the matter has been taken up with the minority. There were some difficulties we had earlier today that have been worked out. I want to agree to the gentleman's unanimous-consent request.

Mr. CRAIG. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 1722, NATURAL GAS WELLHEAD DECONTROL ACT OF 1989

Mr. SHARP. Mr. Speaker, I call up the conference report on the bill (H.R. 1722) to amend the Natural Gas Policy Act of 1978 to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 22, 1989.)

The SPEAKER pro tempore. The gentleman from Indiana [Mr. SHARP] will be recognized for 30 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the conference report on natural gas wellhead decontrol.

It is here because of the great efforts and leadership shown by my colleagues, including: the gentleman from Louisiana [Mr. TAUZIN], the gentleman from California [Mr. MOORHEAD], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from California [Mr. DANNEMEYER], the gentleman from Texas [Mr. LELAND, Mr. HALL, Mr. FIELDS, Mr. BRYANT, Mr. BARTON], the gentleman from New Mexico Mr. [RICHARDSON], and the gentleman from Michigan our committee chairman [Mr. DINGELL].

Their efforts have brought us this bi-partisan, noncontroversial energy legislation in an area that used to be contentious. The broad consensus we now have helped pass the House bill on the suspension calendar. The Senate approved a nearly identical bill 82 to 17.

The bill ends 35 years of controls on field or wellhead prices on natural gas. These controls still cover about one-third of our Nation's gas supplies; the rest have been decontrolled since 1985.

The remaining controls gradually end by January 1, 1993, as contracts for controlled gas expire or are renegotiated, and as new wells are drilled in old, controlled fields.

This bill is also supported by the administration.

Mr. Speaker, natural gas has a great contribution to make to our energy future.

It's relatively inexpensive, and promises to remain competitive with oil for many years to come. Since 1985, when partial wellhead decontrol ended, prices have dropped by almost \$1 per million cubic feet.

New, more efficient gas appliances, new drilling technologies like side-tracking, wellhead decontrol itself, the growing promise of large coal seam gas reserves, and new pipeline hookups from Canada to the Northeast and the West Coast—all these don't guarantee a stable, secure gas future, but they do offer us a good chance for it.

It's an abundant domestic fuel, and can replace oil in many uses—in factories, powerplants, homes, and even autos—and thus lower our foreign oil imports and trade deficit.

It's environmentally benign compared to other fossil fuels, and may become a preferred fuel to generate clean electricity. It can cut harmful coal emissions by cofiring; lower gasoline emissions by use in cars and trucks; and won't spill in the ocean or pollute beaches.

We can no longer afford to waste natural gas. We must start producing it more efficiently. No other fuel, no other commodity in America today remains under Federal price controls—why should gas?

The remaining controls no longer protect consumers by shielding them from free market prices: The 6 percent or so of our supplies that are still controlled at below-market levels are too little to matter anymore. Besides, they cease being cheap as they flow from the wellhead to the ultimate consumer, and are mixed with enough costlier gas to present our constituents with gas priced at market averages. This has been the case nationwide for years.

Only a return to comprehensive complete controls would reverse this state of affairs, and no one is urging that—because it would probably snarl us up in shortages like we had in the 1970s.

The remaining partial controls thus will not stop a future rise in gas prices. This could happen in a cold winter, or an oil crisis, or as demand grows for gas fired electricity or cars. Most of us want low prices to continue. But voting this bill down won't keep prices down.

Consumers are in fact hurt by the remaining controls: Some are very high, many dollars above the market. Some are still too low. Thus, producers avoid some spots—where profits are prohibited—and over-drill in others—where profits are abnormally large.

This distorted investment means we pay more for less production—a real anti-consumer policy—and hinders the most efficient low-cost producers.

Mr. Speaker, on behalf of myself and Messrs. DINGELL, LENT, and MOORHEAD, I want to add the following statement of legislative intent:

With one exception, the provisions of H.R. 1722 as approved by the House and as amended and approved by the Senate are identical.

Identical provisions of both bills: Both the Senate and House bills:

Decontrol gas under expired, terminated, or new contracts, effective on the day after enactment;

Decontrol gas under contracts that expire or terminate during the next 3½ years as these contracts end;

Decontrol any contract renegotiated during this same 3½-year period, in accordance with its new terms; and

Decontrol all remaining regulated gas on January 1, 1993.

As the plain language of the bill makes clear, decontrol occurs when any single one of these different control events occurs.

Newly spudded wells: The only difference between the Senate and House bills was in their treatment of natural gas from newly spudded wells.

The House-passed bill immediately decontrolled such gas. It provided that the flow of gas from all wells spudded after March 23, 1989, is decontrolled after enactment.

The Senate-passed bill had no special provision that decontrolled gas from newly spudded wells. It thus de-

controlled such gas only on January 1, 1993, or earlier if the gas from the new well is under a new contract or a contract that expired, terminated, or was renegotiated before 1993.

Background: "Spudding" is a gas industry term for the start of well drilling operations at the surface of the ground. Thus, a newly spudded well means a newly drilled well that is begun after some specified point in time.

There are about 300,000 operating natural gas wells in the Nation today, and about 10,000 new ones have been spudded in each of the past 3 years. This total includes about 7,000 gas wells and 3,000 oil wells that also produce some associated gas.

Many of the new gas wells drilled each year have already been decontrolled by the new well decontrol provisions of the Natural Gas Policy Act [NGPA]. However, many of these newly spudded wells remain under price controls, including for example interstate infill wells, some OCS wells, noninfill wells in old interstate fields, and some tight formation wells. Some of these price ceilings are high, in the \$6 per million cubic foot range; others are as low as 35 cents per million cubic feet.

House bill: The rationale for the House bill's decontrol of newly spudded wells was to encourage a level playing field for all future gas drilling investment, and not just for the new wells decontrolled by the NGPA in 1985. The bill sought to prevent artificially high and low controlled prices from distorting drilling over the next 3½ years, in the special case of new wells where past producer investments had not already been made under different ground rules.

Senate bill: The rationale for the Senate bill's omission of this language was to provide a 3½-year transition period for equity purposes to permit parties to adapt their purchasing arrangements to the decontrolled environment; to avoid unfairly singling out newly spudded wells for different treatment than the bill sets for other types of gas production; and to protect investors who had committed capital to gas production under the expectation of continued controls.

Conference compromise: After careful consideration, the conferees have agreed that in the case of natural gas produced from wells spudded after the date of enactment, price controls will not apply to first sales of such gas delivered on or after May 15, 1991.

This is a compromise between the House bill which decontrolled such gas on enactment—approximately July 20, 1989—and the Senate bill which decontrolled such gas on January 1, 1993.

The conferees recognized that by virtue of this provision, some cheap controlled gas may move up in price,

and some costly controlled gas may move down. As with all other provisions of the legislation, the conferees intend that no contract for a first sale of natural gas be abrogated by this provision; instead, the conferees intend that applicable contracts and contract law shall continue to govern first sales of gas from newly spudded wells, both before and after May 15, 1991.

FERC powers under NGPA Title V: The definition of a "newly spudded" well is intentionally modeled on the definition of a "new well" in NGPA section 2(3). Both refer to a "well the surface drilling of which began" after a certain point in time. This language has been applied by FERC to many thousands of new wells seeking decontrolled status since 1978, and we intend that the same general standards, precedents, and process be used by the FERC to assure the integrity of decontrol decisions for wells under new NGPA paragraph 121(f)(4).

New wells assertedly not falling within 121(f)(4) would be similarly treated: Thus, for example, sham spudding before the date of enactment would not qualify a well for continuing controls after May 15, 1991, if the real surface drilling actually began after enactment. In particular, section 501 of the NGPA, which authorizes the FERC to administer and define the NGPA and terms used in it, fully covers new subsection 121(f), because the latter subsection is a part of the NGPA. Other provisions of title V also apply according to their terms to new subsection 121(f) and to FERC decisions implementing it.

First sales: Some concern has been expressed that the long title of the bill is ambiguous, and by referring to the elimination of "wellhead price controls on the first sale of natural gas" indicates our intent to decontrol only some—but not all—first sales. We think however the language of the bill is clear: All first sales are decontrolled upon the occurrence of the stated conditions, not merely those first sales that occur at or close to the physical wellhead in the field. The conferees do understand that the general term, "wellhead sales," is industry jargon; it is often used merely as shorthand for the more strictly defined NGPA phrase "first sale," which we used in the text of the bill; and we did not change the NGPA definition of a "first sale" because we do intend this bill to decontrol all sales that qualify as "first sales" under the NGPA and the FERC rules implementing it.

Consumer effects: Opposition to this measure continues to be heard from some who contend it will raise consumer gas prices. This view is based on the claimed price depressing effect of, first, the assertedly large supplies of cheap remaining price-controlled gas

reserves, or second, the large supply of annual gas production, about one-third, which remains controlled, albeit at prices well above current market levels.

This view deserves a careful response.

Old controlled reserves: On the first point, several factors combine to prevent these assertedly large old reserves from shielding consumers against a future price rise.

First, these reserves, variously estimated at from 10 trillion cubic feet to 30 trillion cubic feet, are not a major part of our Nation's supplies, despite the apparently huge size of this number: 10 to 30 trillion cubic feet is instead only about 6 to 18 percent of our total 165 trillion cubic feet of reserves, and is an even smaller part of all North American reserves.

Second, many of these reserves are not cheap: some are priced at \$2.80, the top ceiling price for old gas, because they qualify as post-1974 old gas. Some are substantially decontrolled already under Order 451, FERC's rule on uniform pricing of old gas. And some will earn an even higher controlled price because they will—in the future as they are ultimately withdrawn from their reservoirs—be produced through infill or stripper wells, some of which qualify for prices of \$3, \$4, or even \$5 per million cubic feet, which are well above current market prices of about \$2. And these ceiling prices will inflate in coming years with inflation, in some cases even faster than inflation, even if oil prices remain flat.

These relatively small volumes and high prices will obviously limit the price-shielding impact of these reserves. In addition, the mixing or rolling in process which averages the prices of gas from many different wells, as noted below, also will largely or completely nullify their price-shielding impact on ultimate consumers.

Controlled production: While they acknowledge that most of today's controlled gas prices are far above current market levels, opponents of decontrol still assert that in the future—should prices rise—these controlled \$3, \$4, \$5, and even \$6 per million cubic feet ceiling prices will finally then become meaningful shields for residential consumers against the assumed high future market prices.

We disagree.

The opponents' analysis does not take account of the blending and mixing process that has for years typified the gas markets. No consumer receives all his supply from a single well. Instead, each of us receives a tiny percentage of the mixed flow from thousands of wells. This makes all the difference.

To elaborate, of the several hundred thousand producing gas wells in the

United States, most are decontrolled. Many are controlled only at high \$4 or \$5 levels. Some are controlled at low 50-cent levels.

Few if any consumers receive a pure unadulterated diet of only the latter type of gas. If they did, decontrol could raise their burner tip prices.

Instead, however, virtually all consumers receive a mix of all three kinds of gas, as the several hundred thousand wells flow into the Nation's hundred or so gas pipelines, and the pipelines in turn resell the mix to many hundreds of local utility and industrial consumers. The pipelines use traditional accounting and rate rules to blend or average the price of all their supplies; hundreds of independent marketers, pipeline marketers, producers, and brokers also trade, sell, and resell various subpackages of these mixed supplies; and some pipelines resell to other downstream pipelines.

These repeated multiple opportunities for producers and middlemen to sell and resell to subsequent buyers at constantly fluctuating open market prices, means that any artificial below market price—which is the kind of price opponents of this bill seek to preserve—can be quickly and legally offset by raising the price of the decontrolled component of the total package.

This can be done at a dozen places far upstream of consumers, as gas packages change hands. It routinely occurs under the current system, and has been occurring since 1983.

This is the basic reason why, even though there are some cheap supplies at the well today, there are now few if any cheap, below market supplies at the city gate or the burner tip. The only winner from continuing controls, then, is the producer or the packager or the mixer who offsets the remaining cheap supplies with just enough overpriced gas to bring the entire mix up to, but not over, the going rate in the Northern or Midwestern—or other—consumer markets. And these entrepreneurs, it is clear, have no desire to retain controls in order to continue this mixing game.

Congressional support for open access transportation: We also wish to stress, as did supporters of this legislation in both committee reports and in floor debate in each House, the major positive role that contract carriage has played in the consideration of this decontrol legislation, and is intended to play as decontrol proceeds.

The development of a nondiscriminatory, open access national gas transportation system by the joint efforts of the industry, the Federal Energy Regulatory Commission, and the courts, is not yet completed. Many carriage issues remain to be resolved by FERC and the courts.

But much progress has been made. Nearly all major interstate pipelines

are now open carriers of gas. A large amount of all gas traded in the United States—about half—is now sold by producers and marketers to local utilities and end users, and merely carried by the pipeline middlemen. Competition in gas transportation has clearly increased, and has opened up new options for producers and consumers.

Many sellers can now deal independently with many buyers. This has greatly aided the rise of a competitive wellhead market, and indeed is critical to the future success of this wellhead decontrol bill: Pipelines are a critical link between gas consumers and producers. Free shopping for the best wellhead or city gate deal could be frustrated by a closed pipeline network that could not be equally and openly used by all market participants. In sum, a competitive, open wellhead market depends on and will continue to require in the future a competitive open access national pipeline network.

Open access in particular has helped assure captive residential consumers that their local utilities will not be excluded from access to competitively priced gas. Thus, these consumers will not be unfairly saddled with costly gas while cheaper supplies are available elsewhere and are carried preferentially only to selected buyers.

Indeed, that our wellhead price control system could, in 1983 and 1984 during the early days of experimental and discriminatory carriage programs, yield high wellhead gas costs for residential consumers while switchable industrial consumers received cheap decontrolled supplies, further shows the ineffectiveness of these controls as a consumer protection measure.

Nondiscriminatory carriage vigorously enforced by the FERC also will protect producers from being denied the chance to market their gas on even terms with other suppliers.

Accordingly, we express our strong support for FERC's efforts to finish the transition under Orders 436 and 500 to an open, nondiscriminatory competitive gas pipeline industry, and also note our support for past court rulings, such as the AGD decision, upholding FERC's comprehensive authority over contract carriage.

In order to achieve the full benefits of decontrol under this act, we also intend that the FERC and the courts broadly interpret the Natural Gas Act's provisions barring nondiscrimination, in order to maintain this open-access system to the benefit of all classes of customers and shippers.

Finally, we urge full use of all the FERC's powers, including its authority to bar the abandonment of certificated services such as contract carriage transportation services, to prevent possible future backsliding or retreat from the goal of competitive carriage

on which the FERC and the gas industry have worked so long.

Mr. Speaker, I urge my colleagues to support this conference report.

□ 1700

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in bringing to the floor the conference report on H.R. 1722, the Natural Gas Wellhead Decontrol Act of 1989. When the President signs this legislation, a tragic chapter in our Nation's energy history will finally come to an end.

Thirty-five years ago last month, the U.S. Supreme Court held that the Natural Gas Act of 1938, which regulates pipeline rates, allowed the Federal Power Commission to regulate the price of natural gas at the wellhead. The shortages of natural gas in the 1970's should have been ample evidence that prices cannot be held below market clearing levels without severe long-term consequences.

One of the reasons this legislation is before us today is that wellhead prices and the rates paid by consumers of all kinds have declined since the partial decontrol of 1985. Those who formerly supported price controls have come to the conclusion that the controls prop up prices for high-cost producers, not hold prices down for consumers. Those of us who have been fighting for natural gas decontrol for years welcomed the converts to our cause with open arms, none more so than the gentleman from Indiana [Mr. SHARP].

I concur in the statement of legislative intent which Chairman SHARP included in his remarks on the conference report. I do so as a conferee, as an original cosponsor of H.R. 1722, and as the ranking Republican member of the Subcommittee on Energy and Power.

It is particularly worth pointing out that the four categories of additional natural gas to be decontrolled by H.R. 1722 are not mutually exclusive. So long as a contract or type of gas falls into any one of the four categories specified in section 2 of H.R. 1722, that contract or type of natural gas is decontrolled.

For example, the only issue in dispute between the House and Senate on H.R. 1722 concerned newly spudded wells. Under the conference report, newly spudded wells are defined as those for which surface drilling begins after the date of enactment. Natural gas produced from such wells is decontrolled as of May 15, 1991. However, new NGPA section 121, subsection (f)(2), provides that natural gas is decontrolled when the contract to which it applies expires or terminates.

Thus, natural gas produced from a newly spudded well under a contract which expires on January 1, 1990, for

instance, is decontrolled as of January 1, 1990 because that it is when the contract expires. This is true even though natural gas from a newly spudded well would not otherwise be decontrolled until May 15, 1991. In sum, the manifest intent of the conferees is that decontrol of natural gas occur upon the earliest event specified in the legislation which triggers decontrol.

In conclusion, Mr. Speaker, the country will certainly be better off now that we have corrected the error of the 1954 Supreme Court decision and our own error in permanently extending price controls to certain natural gas when we passed the Natural Gas Policy Act in 1978. I urge the adoption of the conference report.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN] who has been deeply involved in this issue for many years and was very influential in bringing this legislation to the fore.

Mr. TAUZIN. Mr. Speaker, first let me say a word of thanks to the gentleman from Indiana [Mr. SHARP], the chairman, and to the ranking minority man, the gentleman from California [Mr. MOORHEAD], for the excellent cooperation and the spirit by which this conference committee report comes to the House today.

Mr. Speaker, I rise in support of this. Today with the House action on this conference report that follows the Senate action, and hopefully the signature of the President, we will be repealing the last of the three pieces of legislation that I think were essential to be repealed to restore natural gas to full health and vitality again for America. The first was, of course, the windfall profits tax, which this House and the Senate got rid of a few years ago. The second was a few use and incremental pricing provisions which prevented people from using natural gas, and this, the wellhead pricing provisions which we are finally repealing over a stage of 7 years. The stage is right, the time is right, perhaps long overdue.

Mr. Speaker, natural gas is alive and well in America. There is plenty of it. It is clean, it is good for the environment. We happen to make a lot of it in Louisiana, and we hope the rest of the Nation is ready to buy some of it because we could use a good economic revival in our State. This bill today, the conference report, finally completes that action.

Mr. Speaker, I want to commend all my colleagues, almost too many to name, but I am reminded of the great work the gentleman from Oklahoma [Mr. SYNAR] has done, and the gentleman from Texas [Mr. HALL] and others with us on the Democratic side and so many others on the Republican side, the gentleman from New York [Mr. LENT], who have cooperated in

this effort. This is a big day for us; I think for the Nation.

Mr. Speaker, I rode a natural gas-powered car this week. Natural gas is alive, it is well. This bill repealing wellhead prices means it has got a great future, and America has got a great future with it.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, it is appropriate that we are taking up this conference report so soon after the Fourth of July because H.R. 1722 is a declaration of independence for natural gas production from the shackles of excessive Federal price regulation. I urge my colleagues to adopt this conference report as a truly historic piece of energy legislation.

First and foremost, this is a pro-consumer bill. Our constituents who use natural gas, whether as residential ratepayers, commercial establishments, or industrial users, have reaped the benefits of greater competition at the wellhead and in the transportation market. These benefits will only grow with this bill.

Since 1985, reductions in the wellhead price of natural gas have flowed through to consumers. Pipelines now carry natural gas owned by others as well as natural gas purchased by pipelines for resale. Thus, local distribution companies and others can shop around for the best mix of short term and long term supplies to meet their needs. This flexibility did not exist as recently as 1985.

The Federal Energy Regulatory Commission is to be commended for its leadership in this area. The fact that Congress assumed the existence of a dynamic contract carriage market in deciding to pass this legislation is a firm indication that FERC should stay the course on this issue. There is no turning back the clock to the days before this revolution in the natural gas transportation market took place.

A second point is that this is a proenvironment bill. President Bush's clean air proposals give much needed flexibility to industry in meeting important air quality standards. Natural gas is the cleanest burning fossil fuel. As such, its greater use in homes, factories, electric generating plants, and even vehicles, will help reduce emissions of harmful pollutants. By removing the remaining wellhead price controls, this bill will remove distortions from the marketplace. Producers will receive and respond to market-driven signals in determining when and where to produce natural gas. The result will be to maximize production of the most efficient mix of natural gas.

All of the members of the Committee on Energy and Commerce, particu-

larly those of our colleagues who serve on the Subcommittee on Energy and Power, led by Chairman PHIL SHARP of Indiana and CARLOS MOORHEAD of California, are to be commended for their work in shaping this legislation.

In closing, I want to pay a special tribute to those who worked on this issue in years past. Most noteworthy are two former colleagues, the Honorable James T. Broyhill of North Carolina and the Honorable Bud Brown of Ohio. In adopting this conference report, as I strongly urge my colleagues to do, we thank those who kept the issue alive and contributed mightily to a sound national energy policy in the process.

□ 1710

Mr. SHARP. Mr. Speaker, the gentleman from Oklahoma [Mr. SYNAR] has been an extremely active member of our subcommittee and of the full Committee on Energy and Commerce on these issues of natural gas, first in the Fossil Fuel Act and now controlling natural gas, and has made an important contribution.

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, first of all, let me join in the congratulations to the chairman, the gentleman from Indiana [Mr. SHARP], and the gentleman from California [Mr. MOORHEAD] and others who served in this conference.

Indeed, this is good news. It is good news because today, as the gentleman from Louisiana [Mr. TAUBIN] who has been so instrumental in this legislation has said, we are lifting the last restrictions on natural gas and to try to get back to the free market system.

This is good news for the producers of Oklahoma, Louisiana, and Texas, many of whom have been looking forward to this day for too long.

This is good news for the consumers who will have cheaper and cleaner fuel.

Finally, this is good news for the environment, because we will be able to use a resource in order to protect future generations.

So today we celebrate something that is long overdue, but I think it is better late than never; so I join with my colleagues in celebrating this moment and, hopefully, this will be one of the things that will help the State of Oklahoma and others who have produced natural gas for the benefit of all people in this country back into the economic realm.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, this is a great day. I also rise in support of the conference report on H.R. 1722.

Back in 1984 when I was elected to be a new Member of the 99th Congress, I listed as one of my top priorities the immediate and total decontrol of natural gas. That did not happen in the 99th Congress.

I came back in the 100th Congress and worked very hard to get on the Energy and Commerce Committee to try to pursue that goal. We made great progress, but again we were not able to pass that legislation.

At the beginning of the 101st Congress, again I listed this as a priority with the leadership of the subcommittee, the gentleman from Indiana [Mr. SHARP], who had begun to move his position from where it had been back in the 1970's.

It looked like we had a window of opportunity. Today that opportunity is realized. This culminates an effort that literally began in the mid-1950's after the Supreme Court decisions in the Philip case that began to regulate interstate prices.

I think this Congress is going to look back on the passage of this bill today and the signing ceremony that will occur at the White House later in the month as literally a tremendous accomplishment.

Natural gas is the fuel of choice in today's environmentally sensitive debate on clean air and acid rain and things of this sort. The very ability to report the conference report has spurred new drilling in old fields of natural gas.

So I think this is a piece of legislation that will help all regions of the country. It will help producers. It will help consumers. It will help pipeline transporters.

It is a truly historic moment and I am glad to be a small part of it. I hope that the House will quickly pass this legislation and send it to the President.

Mr. SLATTERY. Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 1722, legislation that eliminates remaining wellhead price controls on natural gas by January 1, 1993. I am an original cosponsor of this bill, which would decontrol upon enactment gas to which a contract did not apply. I would like to take this opportunity to commend the chairman of the Energy and Commerce Committee, JOHN DINGELL, and the chairman of our Energy and Power Subcommittee, PHIL SHARP, for their swift movement of this legislation through committee so early in this session of Congress.

After enactment, the bill decontrols gas upon the expiration, termination, or renegotiation of contracts. Natural gas from wells spudded after enactment would also be free of wellhead price controls. The transition period between enactment of the bill and the complete decontrol date will give pipelines and producers an opportunity to adjust their contracts in anticipation of complete decontrol.

This legislation will benefit both consumers and producers of natural gas by providing

cleaner air, reducing oil imports, improving our national energy security, and lowering our trade deficit by moving the United States toward increased use of an abundant domestic fuel.

Decontrol will ease artificial Government restrictions and subsidies and allow more market oriented decisions, ending a system of economic discrimination that needlessly adds to the already large problems of our depressed energy producing regions.

We have already decontrolled the majority of our Nation's gas supplies in the past few years, and these prices are now as low as they were in 1979, when the partial decontrol process began.

Less than 10 percent of the Nation's gas supply is now "old" price controlled gas. Average prices to local gas companies are set by the market and capped by oil prices. A series of regulatory rules, court decisions and new industry practices have ended the old world of inflexible long-term contracts between producers, pipelines, utilities, and consumers, and replaced it with new arrangements that allow buyers at each level to choose and price shop among multiple supply options.

Cold winters or an oil embargo would push up gas prices indefinitely until the blended mix of free and controlled gas hit free market levels. Thus, controls no longer provide any shield for consumers against free market gas prices and, in fact, have not done so for years.

I urge my colleagues to join me in supporting this measure. I hope that the other body will follow our lead and take this legislation up quickly so we can place it before the President as soon as possible.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 987, TONGASS TIMBER REFORM ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 987) to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill, and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by titles instead of by sections, and each title shall be considered as having been read. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture, if offered by Representative de la Garza of Texas, or his designee. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Illinois [Mrs. MARTIN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 196 is an open rule providing for consideration of the bill H.R. 987 to amend the Alaska National Interest Lands Conservation Act and to designate certain lands in the Tongass National Forest as wilderness.

The rule provides for 2 hours of general debate, 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the other hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. The bill shall be considered under the 5-minute rule.

Mr. Speaker, House Resolution 196 makes in order the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs as original text. The sub-

stitute shall be considered by titles, rather than by sections and each title shall be considered as having been read.

In addition, the rule makes in order the amendment in the nature of a substitute recommended by the Committee on Agriculture, if offered by Representative DE LA GARZA or his designee.

Finally, Mr. Speaker, the rule provides that at the conclusion of consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted.

Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole. The previous question shall be considered as ordered on the bill and amendments thereto without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, this is a very fair open rule providing both the Interior and Agriculture Committees with a full hour of debate. I urge my colleagues to support this rule so that we may proceed with consideration of the merits of this legislation.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to report that we have before us today a truly open rule for the consideration of H.R. 987, the Tongass Timber Reform Act. It is always a pleasure to present an open rule because they have become a dwindling breed of cat in recent years.

We are running at about 50 percent open and 50 percent restrictive rules this Congress, roughly the same percentage as it was in the last Congress at this time, though the number of rules is down 36 percent. But 10 years ago 75 percent of the rules we granted were open; and 12 years ago, 85 percent were.

Tomorrow we are expected to grant 3 more open rules in the Rules Committee. So I welcome this new trend and commend both our chairman and the new Speaker on this new era of fairness and openness. I know we can do even better once folks realize that the Capitol dome will not melt down from this increase in sunshine.

Mr. Speaker, House Resolution 196 provides for 2 hours of general debate on the Tongass timber bill, divided equally between the Interior and Agriculture Committees and the chairmen and ranking minority members of those committees. The rule provides for the consideration of the Interior Committee's amendment in the nature of a substitute as original text for the purpose of amendment under the 5-minute rule, to be considered by titles instead of sections, with each title to be considered as having been read.

And, because this bill was sequentially referred to the Agriculture Committee which reported its own version, the rule provides for the consideration of that amendment in the nature of a substitute if offered by Chairman DE LA GARZA or his designee. That substitute, of course, will be subject to an open amendment process, as will the Interior Committee's version if the substitute is defeated. So I think the House will have a full and fair opportunity to openly debate and amend both of these alternatives for dealing with the Tongass National Forest in Alaska. I therefore urge adoption of this rule.

□ 1720

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in support of the rule for H.R. 987, the Tongass Timber Reform Act. The Rules Committee, especially its distinguished new chairman, have dealt with this bill in fair and evenhanded manner.

The rule makes the amendment in the nature of a substitute recommended by Interior Committee as original text for purposes of amendment on the floor. We expect that some members of the Agriculture Committee will be offering a substitute.

Proper management of the natural resources of the Tongass National Forest in Alaska has long been a matter of great concern for the Interior Committee. For over 5 years prior to passage of the Alaska Lands Act in 1980, we wrestled with the difficult issue of balancing protection of old-growth forest without job loss in the timber industry. Since 1980, as the problems have multiplied, it has become more and more apparent that fundamental reform is necessary.

Last year, by a vote of 361-47, we passed the Interior Committee's Tongass reform legislation. Tomorrow we have the opportunity to vote on an even better bill to restore fiscal and environmental common sense to our nation's largest national forest.

H.R. 987, as reported by the Interior Committee, has four major components.

First, it repeals the annual \$40 million (minimum) perpetual subsidy and eliminates the environmentally unsound 4.5 billion board feet per decade permanent timber supply created by the Alaskan National Interest Lands Act [ANILCA] in 1980.

Second, it provides badly needed protection for salmon streams by implementing the National Marine Fisheries Service's minimum 100-foot buffer strips.

Third, it replaces two long-term timber contracts with standard, competition bid, short term sales.

Finally, H.R. 987 protects as wilderness 1.8 million acres—some of the most beautiful areas and valuable fish and wildlife habitat in the United States—while still allowing plenty of timber to expand timber jobs and keep the pulp mills in operation.

Mr. Speaker, the Tongass legislation is the most important environmental vote so far in the 100th Congress. I urge my colleagues to support the Interior Committee and vote against all weakening amendments.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I move the previous question in the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2022, PROVIDING RELIEF FOR CERTAIN SOVIET AND INDOCHINESE REFUGEES

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 195 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 195

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2022) to establish certain categories of nationals of the Soviet Union and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Frost] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the cus-

tomary 30 minutes to the gentleman from New York [Mr. Solomon], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 195 is a simple open rule providing for the consideration of H.R. 2022, to provide relief for certain Soviet and Indochinese refugees.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and further provides that each section of the bill shall be considered as having been read during the consideration of the bill for amendment under the 5-minute rule. The rule provides for no waivers of points of order. Finally, the rule provides that at the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, H.R. 2022 is a bill to enable the expeditious emigration of Soviet Jews and Evangelical Christians from the Soviet Union by establishing a legislative presumption that these groups are subject to persecution in the Soviet Union and are, therefore, eligible for refugee status. The bill also makes this presumption about certain classes of individuals in Indochina who are subject to persecution in their countries.

In 1987, after years of blocking the emigration of Soviet citizens, primarily Jews and Evangelical Christians, the Soviet Union made an about face and significantly increased the numbers of their citizens who were allowed to leave. There numbers are continuing to grow, but due to a change in policy established by the last administration, each and every one of these emigres is required, when making application for refugee status, to establish individually that he or she has been persecuted or can demonstrate a well-founded fear of persecution. This policy has resulted in a large backlog of cases for those individuals who are seeking refugee status. The intent of this legislation is to reverse the policy of the last administration in order to allow these people to immigrate to the United States as refugees.

Mr. Speaker, I believe this legislation is of great importance to the promotion of human rights and of great importance to those individuals in the Soviet Union who have sought refuge in the United States in order to escape religious persecution. Because this is an open rule, I urge my colleagues to adopt House Resolution 195 so that the House may work its will on this legislation.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule now before us is an open rule, and I urge its adoption. As the gentleman from Texas said, the rule provides for 1 hour of general debate on H.R. 2022, followed by consideration of amendments under the 5-minute rule. A motion to recommit is made in order, which, under the circumstances of this rule, could include instructions.

And so I urge support of this rule, and I appreciate the chairman of the Judiciary Committee for having requested an open rule, as well as the Rules Committee for recommending one.

Turning now to the substance of H.R. 2022 itself, I would like to make a few brief comments.

It is a fact that the administration opposes enactment of this bill. The administration believes the bill is unnecessary and that singling out certain categories of people for preferential refugee status sets a troubling precedent. While we should take these objections seriously, I also believe that we must keep in mind some other factors.

First, this bill is short term. The granting of refugee status to Soviet Jews and Evangelical Christians, as well as to the specified Indochinese people, would expire on September 30, 1990.

Second, the bill contains a sunset provision because it is meant to address a short-term problem, namely, the backlog that currently exists in the processing of cases involving the categories of people to which the bill applies.

This is particularly timely in the case of Soviet Jews and Evangelical Christians. What an irony it is that America today seems to be placing obstacles in the path of these people at the very time when the Soviet Union is letting them go. We need to be mindful that, glasnost notwithstanding, religious persecution is still a fact of life in the Soviet Union—and these people need our help.

I would add further that Jewish people and Evangelical Christians in the Soviet Union have been singled out in the past, particularly by the Reagan administration, as deserving preferential treatment.

Finally, some concerns have been raised about the potential costs of receiving people into the country under the terms of this bill. And it has to be acknowledged, candidly, that this issue has been treated in a somewhat vague manner by the committee and the administration.

We need to remember, though, that numerous Jewish and Christian support groups have been established to help their coreligionists in time of need. Likewise, experience has shown

that Indochinese refugees do not arrive on our shores expecting the world to owe them a living. Indeed, they get themselves established and start becoming productive members of their new communities in very rapid fashion.

I hope that Members will keep these points in mind when we consider H.R. 2022.

□ 1730

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OUR FLAG

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. SENSENBRENNER. Mr. Speaker, tomorrow the Subcommittee on Civil and Constitutional Rights will begin hearings on constitutional amendments to ban flag desecration. Unfortunately, the subcommittee has developed a history and reputation of being a mortuary for measures of this nature, and I fervently pray that this will not be the case in the flag desecration issue. This issue is a test of the ability of Congress to legislate a good sense response to a Supreme Court decision that was clearly out of bounds.

Unfortunately, the chairman of our subcommittee, the gentleman from California [Mr. EDWARDS] has signaled his intention that the flag amendment is going to be buried. In today's issue of USA Today he was quoted as saying:

If we have to make a compromise, I would support it, but it would not be as good a choice as to have this issue go away.

Well, this issue is not going to go away until the Congress proposes and the States ratify a constitutional amendment.

The challenge for us, my colleagues, is to act, not bury, the flag desecration amendment.

Mr. Speaker, I include the interview in the USA Today of this morning of the gentleman from California [Mr. EDWARDS] at this point so that the membership of this body and the American public can see what is going on.

DON'T LET HYSTERIA HURT FLAG'S MEANING

USA TODAY: Your subcommittee will hold hearings Thursday on the proposed amendment to protect the flag. Do you support it?

EDWARDS: I'm devoutly against a constitutional amendment not only amending the freedom-of-speech provision of the Bill of Rights but weakening it.

USA TODAY: So you don't think the flag needs protection?

EDWARDS: It's a lot easier to lose liberties than to win them. The flag is very sturdy. It's flown through all the battles of our country. But it can be wounded by carelessness—careless votes or votes taken in the hysteria of the moment. And we've survived hysterias—prayer in the school, balanced budget, and others like that in the past.

USA TODAY: Isn't "hysteria" a little strong?

EDWARDS: I can support the word hysteria because the fever lasts only a short time. Some of these issues don't seem to have an in-depth intellectual or substantive base.

USA TODAY: In your opinion, what would the amendment do if it passed?

EDWARDS: It would turn over to 50 states a free speech exemption that could result in almost any kind of penalty, even capital punishment. There are a lot of people who don't like the press, for example, who would like to—and have over the last 200 years—tried to put restraints on the press. Right now, we have a movement toward restraining the movie makers and TV people on violence.

USA TODAY: What's the alternative to a constitutional amendment?

EDWARDS: The best response would be an educational process. However, right now that's unrealistic.

USA TODAY: Would you support some type of law as a compromise?

EDWARDS: If we have to make a compromise, I would support it, but it would not be as good a choice as to have this issue go away.

USA TODAY: What do your constituents say about the proposed amendment?

EDWARDS: Most of my letters are saying "Leave the Constitution alone." They don't even get into statutes.

USA TODAY: Is this an important fight? Is it something the Congress should be taking up its time with?

EDWARDS: It has touched a nerve in American society, and whether we approve of that nerve being there or not, it's a reality. In 1967, it was much worse. The issue was a federal statute criminalizing the desecration of the American flag—a federal criminal statute. Only 16 out of 435 of us voted against it. It cost each of us 15,000 to 20,000 votes. And, boy, it was a lonely fight. Now this is not half as lonely.

USA TODAY: When you finish these hearings, will you be recommending the amendment, a law, or both?

EDWARDS: I don't want to make that prediction. I don't think that's proper. These are going to be very thorough, painstaking hearings, and I don't think it's appropriate for the chairman to make definite predictions.

USA TODAY: Your subcommittee has a reputation of being sort of a mortuary because many proposed amendments die there. Is that a fair description?

EDWARDS: We have hundreds of proposed constitutional amendments that we have not approved. The only one we approved over the last 15 years or that I've chaired is Washington, D.C., representation, which is not going well in the states at all. It's going to fail.

USA TODAY: You've been able to stall a lot of high-profile amendments—school prayer, balanced budget and others.

EDWARDS: Yes. With the help of a subcommittee that generally a majority saw eye to eye with me.

USA TODAY: Which was one of your requirements, wasn't it?

EDWARDS: Almost, yeah. But I have had a majority who sees things the conservative way. This is a conservative view that I have and that is that you don't fool with your liberties lightly.

USA TODAY: If this amendment ends up in the "mortuary," are you going to be on the hot seat?

EDWARDS: It's up to the American people. Our job is to have an educated process through these hearings so that the people can instruct in Congress as to the right course to take in this matter.

USA TODAY: If your subcommittee drags its feet on the flag amendment, would that be—?

EDWARDS: Stupid. What you want to do is do the right thing. The right thing would be to have the educated process.

USA TODAY: But isn't it likely that the longer you wait, the more this would cool down?

EDWARDS: It always has happened that way, that these kinds of emotional issues have a way of clearing up.

USA TODAY: How long do you see this going on?

EDWARDS: Oh, just a few weeks.

USA TODAY: You were a Republican when you were younger and you were an FBI agent. How did you become a liberal, at least on civil rights and civil liberties?

EDWARDS: I think that underneath, we're all creatures of family, and when you're brought up in a conservative Republican family, you're acclimated to that way of thinking. But you don't change internally if you're naturally for fair play, for the disabled. You find out on your own that Republicans don't think in those terms. And that's what made me turn into a Democrat. I just couldn't live with that elitist "trickle down" that I found a bigoted kind of view.

USA TODAY: How do you feel about President Bush hopping on this issue?

EDWARDS: I guess it's a continuation of his Willie Horton and Pledge of Allegiance campaign issues. It is not to his credit at all. He will not look as good in the history books for this course of action, and it's bad for the good health of the country.

MISSISSIPPI COLUMNIST HITS THE MARK ON FLAG ISSUE

The SPEAKER pro tempore (Mr. NAGLE). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, Sid Salter is the publisher of the Scott County Times in Forest, MS, and writes a column that is syndicated throughout the State of Mississippi. He recently wrote about the Supreme Court's flag burning decision and it is one of the best I have seen on the subject. I wanted to share it with my colleagues.

[From the Meridian (MS) Star, June 27, 1989]

SUPREME COURT BLOWS FLAG RULING

As a teen-ager, I was somewhat mystified over the 1970s practice of bra burning by feminists hell-bent to tell the world that they wanted equality and they wanted it now.

As a little boy in a rural county whose link to such happenings was a two-channel television whose signal depended on a rusting antenna and the cooperation of the weather, I was similarly bewildered by the burning of draft cards, crosses and other materials that seemed both more flammable and inflammatory in the 1960s.

Wiser counsel told me such acts were not necessarily ends unto themselves, but symbolism. The bra was a symbol of the repression of women, the draft card a symbol of the folly of America's entanglement in the Vietnam War and the flaming cross a symbol of divine blessing for bigoted whites and a symbol of fear and hatred for blacks.

Symbolism, they said. It's the thing literature teachers try to impress upon us in understanding what the whale represents in Melville's *Moby Dick* and such.

Last week the U.S. Supreme Court ruled that the American flag was no more a symbol than the bra, the draft card, a Klansmen's cross or Melville's elusive whale. In a 5-4 ruling, the court held that the American flag could be burned with the impunity one would enjoy in setting fire to a week's worth of trash—possibly more, since most towns have laws on the books prohibiting the burning of trash in the city limits because that endangers the property of one's neighbors.

Did you get that, people?

The American Civil Liberties Union was successful a few Christmases back in removing a lighted cross from the Walter Sillers Building in Jackson on the grounds that it was offensive to the constitutional prohibition against the establishment of religion by the state or any arm of the state. Organized prayer in the public schools got the constitutional ax a long time ago.

In the Boy Scouts, they taught us not to even let the flag touch the ground. My father taught me to salute the passing of the flag. When my friend Joe Graham—who didn't burn his draft card—came home from Vietnam in a government-issue casket, the American flag was his last blanket.

Are we so liberal in our interpretation of civil liberty in this nation that nothing, absolutely nothing, is sacred? If some fruitcake wanted to climb the Lincoln Memorial to paint a moustache across Old Abe's face in the name of political activism, would we applaud him for his courage in exercising his rights?

Certainly, Old Glory is a symbol. It is a symbol of freedom—a freedom purchased on the battlefields, in the halls of government and in the desire of our forebears to establish an environment of equality free of the whims of one man and dedicated to the principle of a majority rule tempered by a protection of minority rights.

That flag is our birthright as citizens. The flag that was raised on Iwo Jima is the same flag that the Supreme Court now says may be burned, defaced, spat upon or worse by any political jackass with a cause. The court ruled that local communities cannot outlaw such acts, no matter how large or strong the majority that opposes those acts.

The flag is also fair game for fashion designers, says the high court. The shirt the late Abby Hoffman was arrested for wearing in Chicago can now be part of everyone's wardrobe.

Congress should send a message to the Supreme Court.

In ruling that our flag can be legally desecrated, the court ruled that the burning of a flag is a form of free speech. I'm in the free speech business. If someone wants to make

a speech, publish a pamphlet or simply stand in a crowded movie house and scream to the top of his lungs: "I hate America, I hate the flag . . ." etc., I disagree with him but defend his right to do so.

But there must remain some symbols of patriotism that remain sacred. The burning of a flag does not represent free speech—it represents a crime against America's veterans who fought and died to keep it waving.

If the court thinks symbols don't matter, then why does the government get so angry when counterfeiters try to print paper money? After all, the dollar has no worth—it's only a symbol of worth.

Write your congressman and tell him enough's enough.

THE JAPANESE CONSPIRACY

THE SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, from time to time I have read portions of Marvin Wolf's book "The Japanese Conspiracy" which details how the Japanese businessman, working with the Government, have targeted American businesses.

I think of Marvin Wolf and his book each time I read news stories about United States-Japanese trade. He has shown us the road map on how we have lost our industries.

Today, I want to read the last of chapter 2 on the electronics industry. I think we can all understand better what has happened with Marvin Wolf's explanation.

Before personal-size microcomputers went on sale in retail stores, the word "computer" was usually preceded by the initials "IBM." Big Blue, as IBM is affectionately known in the industry, was the dominant presence. IBM was no less dominant in Japan, where its share of the market for large, business-oriented machines hovered near 75 percent for most of the 1960s and into the early part of the next decade. The reasons were obvious: IBM made the best computers for the tasks required; IBM provided reliable software; IBM's service was first rate.

But by 1970, MITI had decided it wanted to foster a domestic computer industry that could compete with, and ultimately replace IBM. This was a key reason behind the MITI campaign to match and pass the U.S. in semiconductor technology. But Japan's computer manufacturers found that competing with IBM was not easy. "We tried to sell our machines," recalled Taiyu Kobayashi, chairman of Fujitsu, in 1982. "However, the installed base of IBM is so large and the users, quite naturally, want to use the software base they have built up over the years. The relative value of software in the computer system has risen to in excess of 70 percent of the cost of the system. Being compatible was the only way to get started in the computer business."

Kobayashi confirmed that the Japanese sales strategy—compatibility with IBM's hardware—was the keystone of an effort to cut into IBM's share of the market. But in the early years plug-compatible Japanese-made computers were not received well, even in Japan. Despite the unpopularity of their products, the Japanese industry continued its efforts to improve them. "MITI

put out R&D funds and brought together the various companies for joint development projects," confirmed Kobayashi. "When domestic makers began building products and it wasn't clear whether what we made would work or not, MITI went around to the industries that had benefited from its patronage—automobiles, steel, etc.—and said, 'Here, use these.'"

While they set about rationalizing the Japanese computer industry, MITI also restricted the import of foreign-made IBM computers. "There was considerable pushing and hauling about how to restructure the Japanese industry to compete with IBM," Kobayashi explained. Some in Japan wanted to merge all the companies into one giant computer corporation, but a decision was finally made to align the companies into three groups. Fujitsu was paired with Hitachi to pursue large computer development, and just about that time, someone important quit at IBM.

Eugene Amdahl was one of IBM's top computer engineers, chief architect of the team that had designed the IBM 360. When he left IBM to form his own company in 1970, Fujitsu saw an opening. "We got word that Amdahl had quit IBM," recalled the former Fujitsu chairman. "That was the time when Fujitsu was feverishly attempting to get hold of IBM's architecture. The friend of one of our top people at the time was a close friend of Amdahl, and Amdahl was intending to make machines that would use IBM's software but offer higher performance for the money. We couldn't afford not to get in on this."

In 1971, Fujitsu built a research laboratory in a corner of Amdahl's building, and two years later they bought 24 percent of his company's stock. Several managers at Fujitsu opposed the plan to go IBM-compatible, partially because of the huge investment, and also because of fear of legal retaliation by IBM. Kobayashi decided to seek a partnership on the project with Hitachi and met regularly with his opposite member at Hitachi. "We felt around, asking whether Hitachi would care to join us," Kobayashi remembered. "Hitachi said 'No, we'll go our own way.'"

To place Japanese business ethics in American perspective, one must imagine that this conversation had taken place between the presidents, say, of Intel and Advanced Micro Devices. "That alone would be enough to put both of them in jail," said John A. Calhoun, a senior officer at Intel.

By 1974 Fujitsu had acquired enough computer technology to introduce its Model 370M, which ran twice as fast as the IBM 370 and used the same software. Hitachi, too, belatedly adapted the IBM-plug-compatible approach in its new products. By 1979 IBM's share of the Japanese market had declined to 27 percent. To put this into context, outside the United Kingdom, where Big Blue provides 43 percent of the business computer, and the communist countries where its products are not sold, IBM's market share is at least 50 percent in every country in the world. Fujitsu passed IBM to become itchiban in 1979, trailed at a distance by Hitachi. IBM's immediate answer to the Fujitsu 370M was a machine called the 3033, which was better than its own 370, but which represented only incremental improvements in technology.

But IBM, the competitor, was not yielding the Japanese market. This was only an interim machine for Big Blue, something to keep it in the market until its next generation was ready. IBM's new series of highly

advanced machines was being developed in great secrecy under the code name Adirondack, and known collectively as the 308X. The first of this generation, the 3081, was scheduled to be delivered in October 1981.

When a computer company decides on a business strategy of developing machines that imitate those of a competitor and run on the competitor's software, it is in a classic good news/bad news situation. The good news is that it can reap the considerable benefits of not having to invest in expensive R&D. It can wait for the competitor to bring out his computer, buy several, and through reverse engineering get the benefit of most of his efforts for a few cents on the dollar. It can then build machines that cost far less to develop, correcting the inevitable minor design errors that find their way into anything as complex as a computer system. The result is a product that can be sold to the competitor's customers for substantially less than the competitor can sell his own, and at a substantial profit.

The bad news implicit in this strategy is that the company has to wait for the competitor's product to appear before it can build a copy. That can take three or four years, by which time the competitor might have another technological shoe to drop. But if, by some means, the rival company can get advance information on the competitor's new generation of computers, it can reduce the time spread. Even a few months' head start is worth millions in sales.

Fujitsu was in an enviable position in that it employed many former IBM employees. But Hitachi, which had turned down the opportunity to join Fujitsu, would have to wait for the new IBM machine to appear, or it would have to find some other means.

When ten of IBM's 27 secret workbooks describing the 308X series illicitly came into Hitachi's possession, they realized their value and set out to get the rest. Those ten workbooks, each a three-ring binder of 40 to 200 looseleaf pages, were, according to federal prosecutors, spirited out of IBM by Raymond Cadet in November of 1980. Cadet, then a 45-year-old computer scientist, left IBM's research labs at Poughkeepsie, New York, and was next employed by National Advanced Systems (NAS), a Silicon Valley subsidiary of National Semiconductor. Cadet's boss at NAS, an Iranian named Barry Saffaie, learned about the ten IBM workbooks and allegedly made several photocopies of them. In the summer of 1981, Saffaie flew to Japan, where, says the Justice Department, he delivered one set to Hitachi, whose computers are marketed by NAS in the United States. The indictments against Cadet and Saffaie were later dismissed when the government refused to produce certain documents.

Kenji Hayashi, then 40, is a very thin, bespectacled man somewhat taller than the average Japanese, a man with a fifties haircut and what a U.S. Justice Department attorney describes as a "hideous" laugh. Hayashi was one of Hitachi's senior engineers. A few weeks after the stolen IBM workbooks were delivered to Hitachi, he inadvertently acknowledged their existence to Maxwell Paley, a San Jose, California, computer consultant. Paley, another former IBM employee (21 years with Big Blue) had offered Hayashi, his regular contact at Hitachi, a legitimate study of the 308X project, a report that his consulting firm had developed from other sources. Hayashi told Paley that he didn't need the study; he had volumes 1, 3, 4, 8, 9, 10, 11, 12, and 15 of the

Adirondack series. If Paley had other workbooks, Hitachi was interested. Paley was immediately aware that something was quite wrong. The notebooks, his 21 years at IBM told him, were not supposed to be at Hitachi.

Approximately 20 percent of the business of Paley's firm, Palyn Associates, was with Hitachi, but loyalties to his country and his former IBM colleagues proved stronger. Paley phoned a close friend at IBM, Bob O. Evans, a vice-president in charge of engineering, programming, and technology. He told him that he was sure that Hitachi had somehow acquired IBM's "crown jewels."

IBM is a company that spends "substantially more" than \$50 million a year just on security. Learning that Hitachi had the notebooks galvanized Big Blue into action. IBM's top troubleshooter, a rugged, silver-haired ex-Marine captain, ex-FBI agent, and ex-T Man (Bureau of Narcotics), Richard A. Callahan, was put in charge of the initial reconnaissance operation. It was important to IBM to verify that Hitachi actually had the notebooks in their possession before going further. To gain access to Hitachi's Hayashi, IBM enlisted Paley, who agreed to act as a double agent for IBM.

Paley telexed Hayashi that he might be able to deliver more of the secret IBM notebooks, and set up a meeting in Tokyo for October. With an associate, Robert Domenico, and IBM's Callahan, Paley flew to Tokyo. On October 2, Paley met Hayashi in a room at the Imperial Hotel, where Paley gave Hayashi a handwritten index to the whole set of IBM workbooks. He also told the Hitachi engineer that while his firm was not in the business of securing confidential, proprietary information, he might be able to find someone who could. But, Paley told Hayashi, he needed to know precisely what Hitachi was looking for. What did these notebooks look like, exactly? Could Hayashi get him some to look at, so he would know if what his contact brought in was the genuine article?

Hayashi could. On the 6th of October, Hayashi brought Paley three of the ten notebooks. He also brought him the first in what would be a long series of "shopping lists"—the IBM items that Hitachi desperately needed to get their copycat computer system up and running so it would compete with IBM's. When Paley turned the notebooks over to Callahan, he was immediately able to identify them as stolen IBM property.

Now that IBM's security people were assured that Hitachi did indeed have its "crown jewels," they were left with three courses of action. They could ignore the theft. They could sue the Japanese company in civil court for damages. Or they could turn the case over to the Justice Department for possible criminal prosecution. If they had chosen to ignore Hitachi's theft, it would encourage others to steal. For this reason, not incidentally, IBM has long followed a hardnosed policy about theft of its secrets. The policy was well known: IBM goes after those who steal from it with a vengeance. It prosecutes.

The second course of action, a civil suit, would be appealing only if there was a certainty that IBM could get justice. But if Hitachi were sued in the U.S., it might take years to resolve the case. To sue them in Japan might well take decades, assuming a Japanese court could be expected to render a judgment against one of its own companies. Moreover, initiating a civil suit might encourage Hitachi to settle out of court, a

settlement that would also likely include a "no publicity" provision. IBM wanted Hitachi to get all the publicity it deserved.

IBM decided to go to the Justice Department with its evidence. The FBI and IBM were old friends. IBM was then training FBI agents how to act like legitimate electronics purchasing agents for an FBI sting operation, whose cover was Glenmar Associates in San Jose, California. The FBI was investigating the "gray electronics" market, where stolen electronics components, including computers, are bought and sold. The operation, code-named PENGEM (Penetrate Gray Electronics Market), had already begun; the machinery to incriminate Hitachi was in place. The emphasis, the Justice Department decided, would be temporarily switched from theft of high-tech items destined for the Soviet bloc countries, which was PENGEM's initial focus, to similar goods headed for Japan.

In November 1981, Hayashi left Tokyo and came to Las Vegas, where Paley introduced him to IBM's Callahan, who was posing as a somewhat disreputable, but very able, retired lawyer. A few hours later Callahan introduced Hayashi to "Al Harrison," as a source who might be able to get him the secret IBM materials. Al's real name was Alan Garretson and he was an FBI agent.

The FBI went out of its way to impress on Hayashi, and each of the Hitachi employees he brought into his scheme, that what they were doing was illegal. Transcripts from hundreds of hours of video and audio tapes make it clear that Hitachi's people were fully aware of this, but it did not reduce their zeal to make their company, and their nation, *itchiban* in the computer market.

Theft did not preclude bargaining, something the Japanese cultivate with the same patience they devote to the art of *bonsai* dwarf trees. Not only did Hitachi want IBM's secrets, but they wanted them at the lowest possible price. Hayashi and his fellow Hitachi conspirators bargained endlessly with the FBI agents. They held out the inducement of future employment to the federal agents if they did good work. To Paley, whom the FBI had deftly moved aside as soon as he introduced Callahan under the cover name "Richard Kerrigan," they displayed the stick. In a letter to Paley written on December 7, 1981, exactly forty years after Pearl Harbor, Hayashi wrote: "I have no idea to pay your travel fee if you don't have the suitable information for us."

Hayashi revealed his business instincts later, when the filched information and hardware were being shipped back to Hitachi's headquarters in Japan by another person drawn into the conspiracy, Tom Yoshida, a U.S. citizen and president of a small American firm. As a faithful Hitachi salaryman, Hayashi directed Yoshida to send the stolen goods out on Japan Air Lines and intentionally undervalue the shipping documents. "From \$10,000 the usual cost, for example, to \$500 . . . if he say '\$10,000,' you must pay more taxes in Japan," Hayashi told the FBI's Garretson in a videotaped conversation. Stealing secrets was risky business, illegal business, but it was still business.

Initially, the FBI thought they could close the case in "two weeks or so." But as it unfolded it became apparent that it would take more time to draw the maximum number of Hitachi employees into the FBI net. This meant that IBM would have to continue supplying trade secrets and hardware beyond their original intentions. Some

of the information Hitachi requested was now available from IBM customers. One evening in November 1981, FBI agents "bribed" their way into a secret-filled room at Pratt & Whitney's Hartford, Connecticut plant to allow Hitachi's Jun Naruse to photograph a new IBM disk drive memory device installed there for testing.

Other information was less accessible. IBM was understandably hesitant about continuing to supply Hitachi with its trade secrets, but Callahan and the FBI told IBM officials that to make an airtight case, and to demonstrate publicly that the conspiracy had reached Hitachi's highest management levels, IBM would have to satisfy Hitachi's "wish list." IBM reluctantly agreed. Between November 1981 and June 1982, when the FBI arrested Hayashi and Isao Ohnishi, a Hitachi software expert, Hitachi paid out some \$600,000 to the ersatz spies. In return they got substantial amounts of IBM hardware, software, and proprietary information, secrets that IBM had spent hundreds of millions of dollars developing.

The passage of time made each secret a little less valuable to Hitachi. But once the first few secrets had made their way across the Pacific, Hitachi's demands grew more insistent. This made IBM even more anxious; the requested material was scattered among research labs, customer sites, and various manufacturing facilities. Each time it had to be collected without alerting IBM employees who, for security reasons, were not aware of the FBI operation. By June, a concerned IBM told the FBI "no more." In any case, they explained to the FBI, much of what Hitachi still wanted would be legally available through purchase in a few months.

The FBI agents were convinced that the Hitachi conspiracy was not just the work of over-eager low-level employees. They were sure that the highest echelons of Hitachi were involved in the plot. To learn which top Hitachi executives were controlling the scheme, Callahan and Garretson offered enticing bait. They told their Hitachi contacts that they were able to get their highly confidential hardware, software, and manuals out through IBM's thick security blanket through a pair of *passeurs* who were very senior IBM execs about to retire. As it often happened, the FBI told Hitachi, both had access to virtually anything the Hitachi people wanted.

These high-level IBM executives, Callahan insisted, could not compromise their identity. "One is on leave from IBM and is president of a college," he told Ohnishi and Hayashi. "Which college?" Hayashi asked, several times, but Garretson and Callahan sidestepped the question. These IBM men, they said, were interested in a steady extra income for a few years, but "only if they could be paid in cash," Callahan stressed. "They have to pay a lot of taxes on their retirement funds, and they want to avoid taxes on this money." But, Callahan added, the IBM men would not agree to the deal unless they could meet a Hitachi official of comparable rank. They would have to have his personal assurances of confidentiality. Hayashi agreed and suggested payment by bank check sent by air express. "No good," said Callahan. "Wire the money directly to the bank, it's faster."

Hayashi concocted an elaborate stratagem to bring Dr. Kisaburo Nakazawa, head of Hitachi's computer factory at Odawara, into contact with Garretson and Callahan. He was careful not to alert anyone at Hitachi who was not already privy to the scheme. It

was arranged for Nakazawa to make a trip to Hitachi's San Francisco offices; a full schedule of activities was published as a cover. They meet at the St. Francis Hotel where Callahan, in an effort to learn who else at Hitachi was in on the plot, asked Nakazawa to draw diagrams of the Hitachi organizations. Callahan also professed concern about keeping word of the stolen materials from getting back to IBM. Nakazawa assured the FBI agent that he would personally handcopy the information from the pilfered documents, each marked with the red ink "IBM Secret" stamp. No photocopies would be made.

As the scheme gathered momentum, the volume of IBM materials grew. Computer tapes inscribed with IBM's new software package were to be provided to Hitachi, which paid \$250,000 for a program they could have bought openly for \$100,000 if they had waited a few months. Tapes were smuggled into Japan by Ohnishi, who left his country with blank tapes on IBM reels, which he then told Japanese Customs "had a value of only \$10." On his return to Japan, Ohnishi was to carry the same reels with the IBM tapes, and show the customs document to prove that he had brought the same number of tapes out of Japan. "Very clever, very smart, good job," said Garretson when Ohnishi told him what he was going to do. But Ohnishi never had the opportunity. On June 22, 1982 he and his Hitachi colleagues were arrested at the FBI cover office in San Jose.

But at times the Hitachi thieves were surprisingly inept. An IBM tape was "stolen" for the weekend and would have to be "returned" on Monday. Hitachi had one of their San Francisco people come down to HAC Semiconductor to duplicate the tape. "It took your man seven hours to do a five minute job," Garretson complained to Ohnishi and Hayashi.

On another occasion, Nakazawa asked for a large piece of hardware called a backboard. "It's too big to sneak out of the IBM lab at Poughkeepsie," complained Callahan. "It's this big," he said, demonstrating with his hands far apart. "How you gonna sneak that out? Should I get somebody with a big overcoat?" Nakazawa giggled and shrugged.

The FBI investigation revealed direct participation by a total of 11 Hitachi executives, ranging from Ohnishi and Hayashi up to Nakazawa. "Hayashi told the FBI undercover agent that he had the authority to spend up to \$1 million," says special prosecutor Herb Hoffman. "Nakazawa is Hitachi's leading computer developer."

No decision has been made by the Justice Department concerning whether it will seek to extradite to America the nine Hitachi employees who had returned to Japan before the arrests. "As soon as the charges were filed, Hitachi filed five binders full of motions. The essence of them was that IBM had set Hitachi up, that it was strictly an anticompetitive situation, that the U.S. government joined hands with IBM and let IBM control the investigation for competitive reasons," says Hoffman. He then asks: "What does that say about Hitachi's credibility when they made all these allegations, then before the motions were heard by the judge, they plead guilty. What does that say about their credibility?"

"When it was time for sentencing, the judge said he would not have the individuals put in jail. This was a situation in which Hitachi employees were acting at the behest of their superiors. It was very important that the company be convicted," Hoffman points out.

Ultimately, however, Hitachi paid little for its transgressions. In San Francisco, on February 8, 1983, Judge Spencer Williams fined Hayashi \$10,000—the maximum fine—and Ohnishi \$4,000. He also levied a fine of \$10,000 against Hitachi, which paid its employees' penalties. The total cost in damages was only \$24,000. "The only thing they could be convicted of was stealing trade secrets, since IBM gave them everything they took out of the country," says Hoffman. "But the important things was for Hitachi to stand up there in court and admit that they were guilty of trying to steal IBM's plans."

In the early fall of 1983, Hitachi settled the civil suit brought by IBM for the theft of their trade secrets. The agreement included the return of all the stolen IBM materials in its possession, and a provision that IBM would have the right to inspect all new Hitachi data-processing products before they are released for sale during the next five years. They also agreed to disclose the identities of all the individuals who offered IBM secrets to Hitachi. But Hitachi has yet to admit that any of IBM's secrets were used in the development of new products, and they have not yet compensated IBM for the huge expenses involved in settling the case.

The Hitachi "operating expenses" for the conspiracy were only \$600,000, a pittance compared to the value of the technology gained. None of the other Hitachi employees involved were tried here or in Japan; they were merely transferred to other jobs. Even Yasukichi Hatano was allowed to keep his seat on the board, though he was relieved of his duties as head of computer operations. "Mr. Hatano is now a 'director without portfolio,'" commented Yasushi Sayama, a Hitachi spokesman. Nor did Hitachi suffer much loss of face in Japan; perhaps even the reverse. The Japanese press, which tends to act in concert with official policy, saw the case as evidence of an attempt by IBM to frame Hitachi. "Jap-baiting," most of the influential dailies complained.

Since "sting" operations are illegal in Japan, except in drug cases, the Hitachi theft of IBM secrets provided a good opportunity for a discussion of America's loose morals. The Japanese papers insisted on calling it the "IBM industrial espionage" case, as if IBM had been the offending party. Shoichi Saeki, a Tokyo University professor of American literature, reported the comments he overheard in the sauna of his sports club. "It was a really filthy trick," said one man. "It was entrapment. The Japanese government must protest against this," said another. "The American methods go too far," said a third. They were criticizing IBM for having Hitachi's spies arrested.

Saeki himself likened the FBI operation to the activities of a con man. "The FBI set up a bogus consulting company. This is an old trick of con men," he said. "In America, where many ethnic groups coexist and the restraining influence of traditional social ties has weakened, con games are widespread." He added, "My experience in the United States convinces me of this. . . . In many areas of American life, tricky methods similar to con games are used. . . . Modern advertising and public relations, with their hypes and hidden persuasion, originated in the United States."

The theft of IBM secrets apparently did not tarnish Hitachi's image as an innovative company. In fact, the editor-in-chief of *Nikkei Computer*, a prestigious Japanese bi-

monthly, reported that "many users of IBM machines have told me they're thinking of switching to Hitachi." Hitachi's sales actually rose in the months following the revelation that Hitachi had stolen IBM's secrets. The U.S. Social Security Administration, which had been shopping for computers, bought two Hitachis for \$7 million. "They were cheaper, and performed equally" to the IBM models, a U.S. government spokesman explained.

On June 18, 1982, four days before the IBM case made headlines around the world, Fujitsu's two-page ad in the *Nippon Keizai Shimbun*, a trade newspaper, announced that it had completed a new model computer, which was compatible with the new IBM 3081K. *Nikkei Computer*, in its July 26 edition, quoted a former Fujitsu employee as saying that virtually all of IBM's secret documents were in Fujitsu's possession. "The era in which many little stars revolve around the great IBM sun is coming to a close; thus a new era in international business is dawning," said Taiyu Kobayashi, Fujitsu's chairman.

The New Era of Japan has arrived, much to the confusion and detriment of the businessmen and workers of the Western world.

□ 1810

UPDATE ON COLONIAS IN SOUTH TEXAS

The SPEAKER pro tempore (Mr. McNULTY). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Speaker, I take this few moments to bring some information to my colleagues related to a problem in my area of south Texas, and what has been done through the years and where we are now, sort of an update.

Mr. Speaker, there is something called the colonias in south Texas, which is basically a conglomeration of unrestricted housing in areas where there is no zoning outside or adjoining some of the small communities, and in many cases these colonias sprang up because, there being no zoning or no control, developers, some unscrupulous, sold that low-cost land to individuals who would build a modest home, but they did not provide water, or sewerage, or paved streets or any of the things that go with a modern subdivision. Therefore, this became a blight in our area.

Now there have come to the forefront many well-intended people of a kind and charitable nature trying to help us and assist us, and we welcome all of that, and we thank them for their interest, and we would hope that they continue being interested in getting assistance to these areas.

The only thing that I wanted to clear up at this point though is that there has been a continuous effort, but in many cases, as water was brought to a colonia, then another one sprang up, and that was left without water, and water was brought to another one, and another one sprang up.

I want to commend my colleagues in the Texas Legislature, what we call the valley delegation, the speaker of the house, the Lieutenant Governor who presides over the senate, especially the Governor of the State of Texas, Governor Clements, for having signed the legislation that was enacted.

Mr. Speaker, I was there in the late days of the session. I had the opportunity to visit with Governor Clements and urge him to sign the legislation. I visited with the secretary of state, Mr. Jack Rains, and urged him to sign the legislation. I visited with most of my colleagues from the valley delegation and with any other one that I could find to speak with, and this is bringing now some constraints as to unrestricted building in the area where there was no zoning and will allow the counties to have some control.

Mr. Speaker, it will provide also some measure of assistance in a monetary way, but one of the things that prompted me to bring this information to my colleagues was that a State official says that at last help is coming to these areas. Well, we have, and I would like to share with my colleagues now, information of what has been done since I came to Congress and before all of this new-found interest in the areas occurred.

Cameron Park is often mentioned. Well, the first project for Cameron Park started in 1977, and the Cameron Park and Delmar Heights area had a water program through Farmers Home of \$297,000, almost \$300,000, and the program was started, initiated, in 1977, completed 1981, but yet in 1981 someone says, "At last help is coming to these areas." Mr. Speaker, I wanted to bring that information so it is available.

Let me also say that at the present time one of the water supply, rural water supply, districts is now nearing completion of extending water to about 400 lots near the city of Alamo. The most important thing, though, is that working through existing programs, through the Farmers Home Administration, through HUD, through EDA, we can account for over \$38 million since 1978.

Now this area is growing. The Census Bureau projects that there will be almost a 45-percent increase in the population in those two countries, Cameron County and Hidalgo County, between now and the year 2000, but what we have done up to now, and I would like to mention, is to organize these rural water supply districts, and I mention only the ones that I was able to work with.

The Union Water Supply was established May 13, 1965. Royal Water Supply was established May 29, 1965. LaJoya Water Supply, September 13, 1965. North Alamo, June 15, 1966. Falcon Rural Water Supply, September 6, 1966. Sharyland Water Supply,

May 22, 1968. Elso Water Supply, June 21, 1976. El Tanque Water Supply, October 12, 1976.

Now one that I have worked with diligently, and it honors me very humbly, I might say because they named their headquarters, their main office, they named it after myself, they named it the Kika de la Garza Office; this Military Water Supply Corp. which established, which began, the process in 1971, and in 1973 the Farmers Home Administration granted them \$850,000.

□ 1820

Now, this was a very interesting and unique beginning because there was a group that met, the bishop, interested citizens in the community, civil officials and governmental officials, who decided now is the time to act.

I was working with the EDA on a part of a grant and with the Farmers Home Administration. Everything was ripe for up to meet and work out the agreement, but the Farmers Home Administration official could not come to south Texas. He was going to be with the EDA officials. They were going to be in San Antonio; so I flew into San Antonio. The representatives from the interested groups in south Texas came to San Antonio. We met in the coffee shop at the San Antonio International Airport and there is where was born the Military Highway Water Supply District, and that I say when now someone says at last help is coming to these people. This, my dear friends, was in 1973.

Also there was the most prominent colonials at the time south of the city of McAllen, Balboa Acres. This was a very unique combination of the events also.

Balboa Acres had been plotted. Lots had been sold, but there was no electric power. There was no drainage. There was no water. There were no streets.

Now, it is almost you could say with low-income people, a model. Now the city has built parks. They have a police substation. Gutters and curbing have been brought there, but the unique way that water was brought, there was a grant given to the city of McAllen to bring water to a trade center, an international trade center.

We struck a bargain with the EDA. We will work with you and we will support you if you tap into that and bring water to Balboa Acres, and they did. This provided the funds to begin bringing water to Balboa Acres.

Now, let me just quote some figures, my colleagues, as to what has been done and some of the amounts that have been brought.

In 1973, Military Highway Water Supply had a grant of \$650,000, in Cameron County.

In Hidalgo, North Alamo had a grant of \$985,000, a loan of \$1,055,000. In Starr County, an adjoining county, El Tanque Water Supply, a grant of \$183,000.

In 1979, in Cameron County, the East Rio Hondo Water Supply, a grant of \$2,866,000.

In 1980, the Military Highway Water Supply, a grant of \$300,000.

In a very unique way, an institution called Catholic Charities provided a loan so that that could be utilized for the low income mostly migrant families to borrow so they could tie into the incoming lines.

I am not going to mention the loans, only the grants.

In 1980, La Joya Water Supply, a grant of \$600,000.

The city of Elsa, which is a small community, a grant of \$810,000.

In Starr County, El Tanque Water Supply, a grant of \$125,000.

In 1981, in Cameron County, the Rio Hondo Water Supply, a grant of \$1,669,000.

In 1982, Military Highway, another grant of \$613,000, and so it continues.

The Sharyland Water Supply, in 1983, a grant of \$2,500,000.

In 1984, North Alamo, a grant of \$2,060,000.

So I would think that we have done our share. This Government using taxpayers' money, has been generous and these issues have been addressed and have continued to be addressed, but now we have a problem that major periodicals in New York or Washington and San Antonio come down and show the undeveloped areas, show the blight that we cannot deny, but that we are working toward solving, but they do not show what has been done.

The Farmers Home Administration has built some model neighborhoods near Alamo, near Elsa, of low-income model housing for families, young families, low-income families, many of them migrant labor. This is never pictured. This is never shown by the major periodicals, like we have to suffer with here. The media only goes after the sensational. They do not come and give credit to those who have worked and to those who are working and to those who have worked in the past, only that they come and show that there is a problem.

We admit there is a problem, but no one can deny that it has not been addressed. I have just given you some quotes of some of the amounts that have been granted to these communities, to these water supply districts to bring water. After water has to come sewage. We are still working on that.

There are areas of tremendous neglect, but this is only because the people are of low income, mostly in the migrant stream, and even though they are working, hard-working individuals, their income is not at a level

compatible with buying a good and decent home, so they have to rely in some instances on the speculators, the developers who sell them a lot for \$10 or \$100 down and then however much they can pay for the rest of their lives. This is sad that people would be forced into doing that.

This is one of the areas of concern that I have now about this HUD problem, that it might trigger a reaction to less an impact in programs of HUD because of human greed basically, that is the only way I can describe it, human greed and illegal activity or some legal but on the fringe of moral right or immoral activity.

I am concerned that they might then say, well, we should not have these programs, but the programs are needed.

I today want to commend all who have worked, religious organizations of all denominations, public officials, past and present, at the county level and at the local level in our area.

The members of the boards of the rural water supply water districts that serve with great interest in helping their communities, the members of the legislature, past and present, from our area, these different governors who have worked with us in this endeavor, the lieutenant governors who have worked with us in this endeavor, I commend and I thank all of them.

□ 1830

I commend and I thank all of them, and I would hope that the major periodicals would come and look at the good that has been done. For someone to say that this area has been neglected by the Federal Government is not true. It is not correct.

Here are some of the figures that I would dare say, from the last figures that I have until now, that probably around \$50 million since 1978 have been brought into this area for infrastructure for helping these people and for helping these colonias bring themselves up to a decent level. We still have people drinking inadequate water. We still have people with inadequate housing.

Fortunately, because of the culture and the climate in our area, we do not have the homeless like we see in the big cities. We do not have people sleeping in hallways or things like that, but we do have some who are living in homes inadequate to serve the creature of God. That law from above demands that the creature of God at least have a decent place to live.

We have some way to go in that area, but unfortunately, it happens. I say that there are no homeless, even though it may be a very modest one-room or two-room, what one would call a shack, but the community comes out.

In my hometown of Mission, or near Mission, a family was renting a small

cabin, and they were asked to vacate, so they found themselves with no place to go, and they went and put a tarp under a mesquite tree, and that will be the counterpart of our homeless. Within hours the community was there. This one brought lumber, this one brought nails, this group came with paint, and in 36 hours they had a very simple, very modest little cabin, but the community came so that they would not be sleeping under a tarp, under a mesquite tree.

This is the spirit of the area, and this is the spirit in which we have worked and will continue to work, but sometimes it is frustrating that even in this Chamber we hear:

Nothing is being done. The plight of the south Texas colonials—we have to have a commission; we have to have study.

Mr. Speaker, I have lived through about five commissions. The first one that came, and this is almost ludicrous, they sent an anthropologist who came to measure our heads before they decided if we were meriting any kind of assistance. That we do not need. We need understanding. We need help, and we need to cooperate and work one with the other and bring together all people of good will and kind hearts so that we might help the less fortunate citizens and neighbors and friends and brothers and sisters of ours.

No one can say that the issue has been neglected. We cannot say that the Federal establishment has not provided, because I say \$50 million, and I can verify \$38 million, but I suspect the other has come since the last 5 years, so I would hope that my colleagues would read these figures, would read the statistics, and that the world knows that there is a little speck of earth called the Rio Grande Valley in south Texas where there are proud and loyal citizens who have served their country in peace and in war, and that they need assistance, but that proudly we say we have tried to help ourselves throughout this endeavor, and we will continue through HUD to try and help ourselves.

We welcome all of the outsiders who would come and join with us hand in hand to help with this problem, but to say that no one cared, that no one did anything is wrong.

FARMERS HOME ADMINISTRATION COMMUNITY PROGRAMS—PROJECTS FOR 5 TEXAS COUNTIES, MAR. 3, 1988

Fiscal year, county, and borrower name	FmHA assistance		Type of project
	Loan	Grant	
1978:			
Cameron: Military Hwy WSC		\$650,000	Water
Hidalgo: No. Alamo WSC	\$1,055,000	985,000	Do.
Starr:			
El Tanque WSC	193,400	183,000	Do.
Starr Co. WICD 2	616,000	0	Do.
Do.	34,000	0	Sewer collection.

FARMERS HOME ADMINISTRATION COMMUNITY PROGRAMS—PROJECTS FOR 5 TEXAS COUNTIES, MAR. 3, 1988—Continued

Fiscal year, county, and borrower name	FmHA assistance		Type of project
	Loan	Grant	
1979:			
Cameron: E. Rio Hondo WSC	670,000	2,866,000	Water.
Hidalgo: City of La Joya	150,000	0	Sewer treatment.
Starr:			
Falcon Rural WSC	45,400	138,600	Water.
Starr Co		469,000	Do.
1980:			
Cameron:			
Catholic Charities	693,500		Comm. health center.
Military Hwy WSC		300,000	Water.
Hidalgo:			
La Joya WSC	616,800	600,000	Do.
City of Elsa	536,000	810,000	Do.
Starr:			
El Tanque WSC		125,000	Do.
Starr Co		250,000	Industrial dev. grant.
1981:			
Cameron: E. Rio Hondo WSC	356,500	1,669,500	Water.
Starr:			
Starr Co. WCID 2	64,000	154,000	Do.
Do	199,000	0	Sewer collection.
Zapata: Zapata Co. WCID	61,000	159,000	Water.
1982:			
Cameron:			
Military Hwy WSC	178,500	0	Do.
Do	208,900	613,100	Sewer coll. and tr.
Los Fresnos	590,000	0	Water.
Hidalgo:			
No. Alamo WSC	3,340,000	0	Do.
City of Edcouch	200,000	0	Do.
1983:			
Hidalgo:			
Edcouch-Elso ISD	1,900,000		Cultural and educational.
Sharyland WSC	2,500,000	2,500,000	Water.
City of La Joya	200,000	0	Sewer treatment.
Zapata: Zapata Co. WCID	10,000	30,000	Water.
1984:			
Cameron:			
Military Hwy WSC	69,100	0	Do.
Do	51,500	143,700	Sewer coll. and tr.
Town of Combes	450,000	0	Water.
Do	200,000	0	Do.
Los Fresnos	40,000	0	Do.
Hidalgo:			
La Joya WSC	900,000	916,000	Do.
No. Alamo WSC	1,995,000	2,060,000	Do.
Starr: Union Water Supply	140,000	20,000	Do.
Zapata: Zapata Co	500,000		Health care.
1985:			
Cameron:			
Olmito WSC	400,000	822,500	Water.
Los Fresnos	82,000	0	Do.
1987:			
Cameron:			
City of La Feria	206,300	0	Sewer collection.
Do	219,700	0	Sewer treatment.
Starr: City of La Grulla	500,000	660,000	Water.
1988:			
Cameron: Olmito WSC	41,000	210,000	Do.
Starr: City of La Grulla		116,000	Do.

FARMERS HOME ADMINISTRATION COMMUNITY PROGRAMS—PREAPPLICATIONS AND APPLICATIONS ON HAND, 5 TEXAS COUNTIES, MAR. 3, 1988

Borrower	Type of project	FmHA funding request	
		Loan	Grant
Preapplications on hand:			
Military Highway WSC	Water	\$1,650,000	
North Alamo WSC	do	1,450,000	\$1,450,000
Zapata County	do	426,600	
Do	Sewer coll.	142,200	
Do	Sewer tr.	142,200	
City of Rio Hondo	Water	150,000	450,000
Do	Sewer tr.	150,000	450,000
Rio WSC	Water	205,500	205,500
Military Highway WSC	Sewer C&T	187,500	562,500
Starr County	Bridge	325,000	
Applications on hand:			
El Indio WSC	Water		185,000

SFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978-87) TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA

County by fiscal year	Number	Obligated
502 loans:		
Cameron:		
1987	58	\$2,082,780
1986	71	2,542,520
1985	61	2,011,580
1984	31	833,410
1983	10	261,406
1982	32	651,070
1981	44	957,140
1980	29	726,110
1979	30	591,290
1978	11	206,400
Hidalgo:		
1987	67	2,466,360
1986	76	2,662,390
1985	52	1,821,990
1984	45	1,398,440
1983	89	2,879,820
1982	98	2,790,180
1981	81	2,394,940
1980	39	1,028,360
1979	35	692,970
1978	24	344,950
Starr:		
1987	8	117,450
1986	18	252,710
1985	18	294,210
1984	10	141,450
1983	14	200,340
1982	24	149,700
1981	21	351,960
1980	38	665,590
1979	20	360,340
1978	29	467,950
Webb:		
1987	0	0
1986	0	0
1985	0	0
1984	1	6,000
1983	0	0
1982	0	0
1981	1	31,000
1980	0	0
1979	1	25,500
1978	1	22,500
Zapata:		
1987	5	28,000
1986	13	232,850
1985	10	232,200
1984	8	102,800
1983	10	204,350
1982	5	83,900
1981	14	262,800
1980	25	444,800
1979	11	220,200
1978	10	170,600
504 grants:		
Cameron:		
1987	0	0
1986	1	5,000
1985	1	2,800
1984	2	7,940
1983	6	10,070
1982	1	3,590
1981	0	0
1980	17	42,100
1979	6	29,220
1978	3	8,320
Hidalgo:		
1987	0	0
1986	16	37,880
1985	6	18,500
1984	6	21,580
1983	0	0
1982	2	860
1981	1	2,830
1980	27	80,230
1979	32	132,110
1978	15	63,500
Starr:		
1987	36	152,400
1986	13	50,410
1985	20	85,030
1984	39	161,510
1983	45	209,920
1982	19	73,850
1981	20	61,420
1980	37	122,020
1979	34	108,420
1978	6	26,550
Webb:		
1987	0	0
1986	0	0
1985	0	0
1984	0	0
1983	0	0
1982	0	0
1981	0	0
1980	0	0
1979	0	0
1978	0	0

SFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978-87) TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA—Continued

County by fiscal year	Number	Obligated
Zapata:		
1987	0	0
1986	0	0
1985	0	0
1984	0	0
1983	0	0
1982	3	6,800
1981	1	3,000
1980	1	500
1979	1	3,000
1978	0	0
504 loans:		
Cameron:		
1987	1	1,500
1986	1	2,500
1985	5	13,250
1984	6	22,500
1983	5	12,450
1982	3	11,020
1981	5	18,520
1980	18	39,520
1979	4	14,400
1978	4	7,070
Hidalgo:		
1987	7	15,310
1986	16	28,800
1985	1	4,640
1984	5	13,030
1983	4	10,120
1982	3	11,860
1981	11	48,490
1980	16	39,120
1979	11	30,840
1978	22	80,140
Starr:		
1987	39	108,070
1986	23	74,390
1985	21	72,670
1984	17	65,840
1983	4	8,750
1982	7	17,250
1981	13	28,230
1980	12	26,920
1979	0	0
1978	0	0
Webb:		
1987	0	0
1986	0	0
1985	0	0
1984	0	0
1983	0	0
1982	0	0
1981	0	0
1980	0	0
1979	0	0
1978	0	0

MFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978-87) TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB, AND ZAPATA

Fiscal year and county	Number of loans grants	Loan/grant amount	Units assisted
Labor housing sec. 514/516:			
1987: Webb	1	\$ 164,150	48
1986	1	\$ 1,147,300	
1985	0		
1984	0		
1983	0		
1982	0		
1981	0		
1980	0		
1979	2	\$ 85,500	32
1978	0	\$ 779,810	
Rural rental housing sec. 515:			
1987	0		
1986: Cameron	1	\$ 798,000	32
1985			
1984: Cameron	1	\$ 571,900	24
1983: Hidalgo	1	\$ 880,000	32
1982: Cameron	1	\$ 921,500	34
1981: Hidalgo	1	\$ 866,000	32
1980	0		
1979	0		
1978	0		

MFH LOAN AND GRANT ACTIVITY (FISCAL YEAR 1978-87)
TEXAS COUNTIES: CAMERON, HILDAGO, STARR, WEBB,
AND ZAPATA—Continued

Fiscal year and county	Number of loans grants	Loan/grant amount	Units assisted
1981:			
Cameron.....	1	1,499,000	64
Hildago.....	1	888,000	24
1980.....	0		
1979.....	0		
1978.....	0		
Housing preservation grants sec. 523:			
1987:			
Cameron.....	1	88,000	18
Hildago.....			
1 other county.....			
1987:			
Hildago.....	1	137,000	44
Starr.....			
14 other counties.....			
1986:			
Hildago.....	1	907,500	76
Starr.....			
14 other counties.....			

¹ Loan. ² Grant. ³ Families assisted.

Note: Housing Preservation Grant Program not available prior to fiscal year 1986.

TRIBUTE TO THE HONORABLE CLAUDE PEPPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 10 minutes.

Mr. HUTTO. Mr. Speaker, today I want to talk about my good friend, Claude Pepper. I regret that I was in a markup committee session on June 20 when the dean of our Florida delegation, Congressman CHARLIE BENNETT, conducted a special order on Claude, who was one of Florida's greatest all-time statesmen.

Mr. Speaker, I had heard of Claude Pepper through the years but never had an opportunity to meet him until 1973, my first year in the Florida Legislature. Claude throughout the years had always gone back to Tallahassee during the legislative sessions to address the Florida House of Representatives where he served back in the late twenties and early thirties. After speaking to the house he then would go down into the chamber and sit next to the representative who represented his old district when he served in that body. It so happened that this position placed Claude between me and James Harold Thompson, who later became the speaker of the Florida House. During these annual visits by Claude I had the opportunity to enjoy his company and get to know him a little better. Needless to say, even at that stage of his career, I admired him as a senior statesman.

Then when I came to the Congress in January 1979 I renewed acquaintances with Claude and was proud to be his friend. My wife, Nancy, and I counted him as one of our dearest friends and we always marveled at his fabulous memory when he recalled true stories of Florida's political history. It amazed us that he could remem-

ber in detail campaigns that had been waged years ago.

Claude's service to his country stretched over more than six decades. Through the years Claude stood for what was right. He earned the respect of his colleagues, his constituents, and the American people.

I could relate to Claude Pepper very well because he grew up like I did in rural Alabama and knew what hard times were all about. From this poor agricultural background he rose to a position of power in which he always remembered his roots. Claude was one of the most compassionate people I have ever known. He loved everybody and in return was loved by them. He hated to see people suffer for any reason and he was always ready to lend a helping hand.

Because of his great concern for others Claude was successful in his long political career in getting legislation passed that has brought about a better life for countless millions of people. How great it was that he was still going strong at the age of 88. Claude Pepper had become a national figure for his championing of the down and out, the poor, the elderly, and the troubled. He deserved all of the many accolades that came his way through the years. Yet we all know that there were some hectic times in Claude's life. He was much maligned and misrepresented to the extent that he lost his seat in the U.S. Senate. He knew what it was like to be scorned, but he never gave up. He knew that his service to people was right and his faith endured until he was elected to the U.S. House of Representatives. It presented him with the opportunity to do even more in easing the plight of the downtrodden and building a greater America.

With the passing of Claude Pepper the Congress, without a doubt, has lost its greatest orator. One of the greatest speeches I ever heard was delivered by Claude on the occasion of the 100th Birthday/Anniversary of Franklin D. Roosevelt right here in a joint session in this Chamber. Claude recalled in vivid terms his service with FDR and the audience was completely enthralled with his masterful presentation—and he did it all without a single note which was his usual way of speaking, completely extemporaneously. I have also heard glowing reports about Claude's bicentennial speech in Philadelphia and I am sorry that I was unable to attend this historic gathering but the words he spoke in Philadelphia, in Washington, and along the crossroads of America will endure for generations to come.

The last several years I referred to Claude as my golf partner. About 4 years ago Dick Sewel called me and asked me if I would like to play golf with Senator Pepper on his 85th birthday. Of course, I was delighted to join

Claude, Dick, and others and we had a most enjoyable time. This became an annual event and I was most pleased to be in Claude's company on his September 8 birthday. He loved the game of golf and stroked the ball quite well for someone his age. After playing with him on his 88th birthday last September I said, "Claude, I will play with you on your 89th birthday only under one condition and that is that you promise to play with me on my 89th". His response was predictable. He said, "I'll be there."

Those of us who were privileged to attend the ceremony at Walter Reed Army Hospital on May 25 in which President Bush presented the Presidential Medal of Honor to Claude will never forget this memorable event. Although this beloved statesman had been hospitalized for nearly 2 months in which he had no solid food he simply amazed all of us. We knew this remarkable man had an unbelievable memory which he used so eloquently, but we never counted on such a performance as he gave on that day. He was rolled into the ceremonial room in a wheelchair and although obviously in a very weakened condition he greeted those in attendance in his usual warm manner. When the President and Mrs. Bush presented him with the medal he responded, not with a simple "Thank you Mr. President and Mrs. Bush," but he proceeded to make one of the most moving speeches we had ever heard. Before the President arrived Claude had asked someone to go to his room and bring the picture of Mildred that was by his bedside. There was no more devoted couple than Claude and Mildred Pepper and she would have been extremely proud of him for this, his last performance. He spoke of how the Lord had blessed him by bringing him from the poverty of rural Alabama to the opportunity of serving in the U.S. Congress.

Though I may have differed with Claude philosophically at times, I think he was greatly respected and admired by every man and woman in Congress and by millions of Americans and even people of other nations. He made his mark and he made a difference. Claude is gone from our midst, but he will forever be remembered. Claude Pepper, a truly great American.

□ 1840

THE ENVIRONMENT

The SPEAKER pro tempore (Mr. McNULTY). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, our special order this evening is going to be on the environment. I am joined by the gentleman from Illinois [Mr. SANG-

MEISTER], and the gentleman from Illinois [Mr. POSHARD]. Speaking of the gentleman from Illinois [Mr. POSHARD], in the gallery tonight we have a young man from his district, Marion, IL, Jim Broeking, so it is a double honor tonight to have both of them involved in some way in this particular special order.

The SPEAKER pro tempore. In the future Members will be asked to refrain from referring to individuals in the gallery.

Mr. LIPINSKI. Mr. Speaker, I will certainly do that.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I commend my colleague for organizing this special order on clean air tonight. As we progress we are going to see, of course, that we are not all in unanimous agreement as to how this should be approached. I am sure that a good friend and colleague of mine from southern Illinois, Mr. GLENN POSHARD, when he speaks will not agree with everything that I have to say, but such is the nature of this body and the deliberations that are going to go forward. But the important thing is that it is clearly the most important environmental issue that the Congress is going to face this year and I think it is important that we do discuss it.

Nearly 150 million Americans—almost 60 percent of our population—are breathing unhealthy air. The ones most at risk are, of course, children, pregnant women, and the elderly. Dr. Philip Landrigan of the American Academy of Pediatrics has even suggested that parents limit children's outdoor play when air pollution is particularly bad. But dirty air poses a severe danger to everyone. As Dr. Thomas Godar, president of the American Lung Association, noted recently, record air pollution levels made "1988 * * * a public health disaster unless you're interested in pernicious population control."

The people in my district and those who live in the Greater Chicago area, know smog levels are frighteningly high. People who exercise outdoors, especially during the summer months, frequently complain of coughing and shortness of breath. Dr. Godar has indicated "growing medical evidence suggests that repeated exposure could cause permanent lung damage." In Mexico City, the smog problem is so bad many people wear masks outside to filter out the pollutants. Let's not wait until our air quality becomes this critical and debilitating.

Cars, trucks, and buses are responsible, in large part, for these high levels of pollution. Yet these same sources can be the most cost effective to regulate. We currently have the know-how to wage a successful battle against air pollution. There are low polluting alternatives to gasoline and diesel fuels

that are more energy efficient and less dangerous to our health. Alternative or clean fuels such as methanol, ethanol, and natural gas offer tremendous potential. Ethanol in particular, which in the United States comes from the fermentation of corn, would help our farmers and lead to substantial reductions in ozone, particulates, nitrogen oxide, and benzene levels. Experts in this industry estimate ethanol can be produced at a cost competitive to gasoline before the year 2000. What are we waiting for?

Air toxics are another public health concern. This spring, data were released indicating the U.S. EPA regulates only seven of the hundreds of toxic air pollutants released into the atmosphere. Many of these chemicals are known carcinogens. Illinois ranks eighth in toxic emission levels and two chemical plants in our State are considered among the riskiest facilities in the country by EPA. In all, Illinois emitted 103 million tons of toxic pollutants into the air in 1987. Long-term exposure to these toxins include reproductive health problems, nervous system disorders, and liver and kidney damage. Other chemicals pose health threats when they are released in large amounts. These effects include headaches, dizziness, nausea, skin rashes, severe eye irritation, and in some cases, even death. PCB's and other contaminants have also severely affected fish and wildlife in the Great Lakes region. Over 30 species of fish have been deemed unsafe for consumption mainly due to airborne sources of PCB's.

Under current law EPA is required to regulate hazardous air pollutants on a chemical-by-chemical basis. EPA has had 20 years to regulate these chemicals. To say they have shirked this responsibility would be an understatement. We could be doing more, we should be doing more, we must do more.

I am optimistic about the President's clean air proposals and look forward to working with him to ensure these goals become a reality. But we must also realize that there are no magic solutions. Reduction measures will be costly and may change how some industries do business. Consumers will inevitably face higher costs but that is not too high a price to pay for the health of our children and the safety of all our neighbors. I share the spirit and conviction that President Bush demonstrated last month when he unveiled his clean air package. I was concerned, however, when I read, in the Washington Post just this morning, that the President has diverged from his original proposal. I am troubled the administration has decided to relax standards for controlling both sulfur dioxides—which cause acid rain and toxic air pollutants.

Mr. Speaker, Americans today live in a society of convenience. We are going to have to make sacrifices and lifestyle changes in order to solve all environmental problems—not just clean air. For instance, Americans must learn to be more sensitive to products that are compatible with our environment. We must learn the importance of recycling and switch to biodegradable products. Whenever possible, we should try to save energy by using mass transportation. In short, every American has a stake in making sure our air is clean and our water is pure. I believe Americans are willing to make these necessary changes. We must also work together with industry to provide incentives for them to effectively contribute to the cleanup process. Every CEO and chairman will have to face up to these harsh, sometimes costly responsibilities.

However, in enacting clean air legislation, Congress must be especially sensitive to any requirements that place an unfair economic burden on any one State or region. Acid rain legislation, for instance, must ensure that the cleanup cost is spread fairly and that the jobs of midwestern workers are protected. The lives of thousands of families can be ruined if we pass careless legislation. That would be a tragic mistake. What we must do is both clean our air and address the economic needs of all our citizens.

I stand ready to do all I can to enact comprehensive clean air legislation. I am committed to putting our Nation on a steady and effective course to clean air. This is the least we can do for our children and grandchildren.

□ 1850

Mr. POSHARD. I thank the gentleman from Illinois [Mr. LIPINSKI] for including me in this special order on the Clean Air Act, the proposed Clean Air Act.

Mr. Speaker, if I fail to make any other point during my remarks today, please allow me to make this one. The current acid rain control proposal by the Bush administration will be a disaster for the coal miners and their families in my district of southern Illinois.

Having said that, let me elaborate a bit more on what I think can be done, and if I may, what should be done to control the impact of acid rain.

I speak on behalf of an area that's served this country's energy needs for over 100 years. Too many families have sent their loved ones off to begin a shift, not knowing they were saying goodbye for the last time, for us to turn our backs on them now. The dangerous, demanding job of mining coal is one the people in my area have performed with dignity and pride for too long a time to abandon the men and women who are trying to support their

families and provide for their children's future by working in the coal mines. This goes for UMW members and management alike, who in this fight, are in it together.

I was distressed to hear President Bush's proposal for achieving a higher standard of clean air in this country without taking into account the dramatic impact it would have on coal mining areas.

The United Mine Workers of America suggests it could cost 30,000 jobs from the ranks of its membership, a membership that's already operating at about half of its active capacity. I hope I can speak for the miners of southern Illinois when I say we should be looking for ways to put these people back to work, not put them out of business for good.

One of the most chilling moments for me in this recent announcement came from something most people probably didn't notice, a statement carried at the very bottom of a wire story from the Associated Press.

The same day President Bush announced his Clean Air Act revisions, Secretary of Labor Elizabeth Dole was quoted saying her office is already considering what kind of retraining and job assistance programs would be needed for the miners and others who will be put out of work by acid rain controls. Although I'm happy they're thinking about what to do with these men and women, it seems to be putting the cart before the horse. It sounds as though the administration has already decided to put an awful lot of people out of work, at a time when people in my area are literally crying out for job opportunities.

I make these points because we have to keep the human factor in mind. And I'm not here to ignore the environmental impact people in beautiful States such as Vermont, Maine, and Massachusetts claim they're seeing from acid rain. I support clean air as much as the next Member, and I don't for 1 minute suggest that jobs in one industry are so important that we would keep them viable at the risk of our health and natural resources. But a policy that concerns itself solely with avoiding pollution damage in certain areas, while ignoring economic damage in others, is no more fair than if the policy were crafted to cut the other way.

I'm here with my colleagues today to suggest compromise, and to argue against abandoning the promise of technology to achieve what we all agree are laudable goals.

The State of Illinois office here in Washington has analyzed this plan and comes to some of the same conclusions I have, particularly as it relates to the impact on the coal industry. Let me thank the State of Illinois office for its support and assistance on the issue.

The President's approach is designed to cut emissions of sulfur and nitrogen oxides in half by the year 2000, mainly by demanding emission reductions on coal-fired utilities in the Midwest and Southeast. Plants in Illinois that will exceed the sulfur dioxide emission standard for the first phase, targeted for 1995, include Central Illinois Light Co.'s Edwards Station; Electric Energy Inc.'s Joppa Plant; Commonwealth Edison's Kincaid Station; Central Illinois Public Service Co.'s plants in Meredosia, Grand Tower, and Coffeen; and Illinois Power Co.'s Baldwin, Hennepin, and Vermillion Stations. The Joppa and Grand Tower facilities are in my district.

That in and of itself might be reason enough for us as an Illinois delegation to resolve to fight for more equitable treatment as we search for acid rain solutions.

We in Illinois like to think we should our fair share of the load when it comes to providing for the common good of this Nation. But we're being asked to put an awful lot on the broad shoulders of our people when it comes to this program. We should strive for a program that deals equitably with all of the States, and that doesn't penalize one area of the country so heavily. There should be a nationwide cost-sharing program for acid rain control.

In my district and in others across Illinois, scientists in private and university research labs are closing in on the mysteries of getting coal to burn more cleanly. We're spending millions, in public and private money alike, to reach solutions that will please both sides of the issue, that will produce the clean air we all need to breathe, and protect the jobs of high sulfur coal miners at the same time.

The administration plan, however fails to provide for technology reductions in the first phase of its implementation. There are some provisions for utilities using clean coal technologies to have a 3-year extension in meeting the second phase of reductions, but that doesn't meet the needs of the utility or coal industries, and is really meaningless in the administration's scenario. If we could reach more reasonable reduction targets for both the first and second phase of the plan, it would give technology more time to prove itself, and utilities more time to plan for how to use it. Without such a delay, we're going to see little else than massive fuel switching, away from the kind of coal mined in my district, and tremendous economic damage done in the heartland of America.

I know my colleagues who represent more urban areas than I are also very involved in the clean air issue because they have constituents who live in areas where smog is a concern. Some of the measures proposed would assist in that regard, and would also promote

alternative fuel production, which is something I've supported here in my brief tenure in Congress.

I'm hopeful we'll not get caught up in the momentum to rush toward solutions without taking into account all of the options available to us.

I just want to urge the Congress to take measured consideration of these proposals, and not be afraid to modify the most offensive portions of it.

If we don't do that, we're sending ratepayers, utilities, and most of all the mining industry toward an uncertain and perhaps unwelcome future.

□ 1900

Mr. LIPINSKI. Mr. Speaker, it was a pleasure having the gentleman from Illinois, and I simply want to say in regard to his remarks that the gentleman from Illinois [Mr. POSHARD] will certainly have my very strong support in trying to do something to alleviate the problem. This Nation has lost an awful lot of the jobs over the course of the last 10 or 15 years, particularly jobs dealing with the labor movement in this country, and we have to do something about it, and certainly this is an area in the State of Illinois and throughout the entire Nation that we can do something about. I think we should take steps to make sure these people are gainfully employed because they have given so much to our Republic in the future, and we simply cannot afford to be losing any more of these jobs.

On this, the hottest week of the summer, it is particularly apt to address one of our Nation's most serious problems: The degradation of our natural environment. As temperatures increase to predicted record highs, so will the production of ground level ozone, escalating the situation to crisis status. And, as thousands flock to the shores of New Jersey and Delaware and to the beauty of Alaska, they will be confronted by poisoned beaches and polluted waters. The enormity of the situation demands our Nation's immediate attention and prompt, firm action towards finding a solution to this intolerable dilemma.

We are fortunate to have a President who is concerned and willing to take a first step toward new legislation directed at preserving our environment. Still, it seems as if the President is tailoring his legislation in such a fashion that it will be of little consequence. Although his special report does an admirable job at reporting the facts, his proposed solutions seem to be nothing more than window dressing.

I understand Mr. Bush's hesitation to enact sweeping reforms which may inadvertently cause harm to our economy and society. I too have those reservations. I do not want to see the citizens of this great Nation have the

heavy hand of Government reach into their private lives in the name of environmental protection. Still, we have an obligation to hand to our children an environment which is livable, but the President's report gives too much latitude for the EPA to do nothing.

According to the President's report, the vast majority of American cities are in violation of the minimum standards of attainment. As a result, over 100 million Americans live in areas with ozone levels which exceed Federal standards. Each person breathes an average of 15,000 to 20,000 liters of air a day—air which is considered unfit for human consumption. Ninety percent of the ozone inhaled is never exhaled. Instead, it remains in the lungs where it scars lung tissue causing short-term effects such as coughing, nausea, inflamed tissue, and increased susceptibility to respiratory infections. Especially at risk are young children, asthmatics, senior citizens, and the unborn. Long-term exposure is believed to lead to emphysema or lung cancer.

EPA studies have proven the presence of ozone is causing extensive damage to many types of vegetation including tomatoes, corn, soybeans, wheat, peanuts, lettuce, and cotton. Even at levels which comply with Federal standards, farmers can lose up to 30 percent of their crop to ozone. The resulting crop loss of \$2 to \$3 billion per year is a serious threat to our economic security.

It is obvious that we must make critical choices concerning our air. We must take extreme caution, however, to make sure that our plans do not work to the detriment of innocent men and women. As representatives of the people, we have a solemn duty, not only to provide clean air for our citizens, but also to make sure that all people may continue to lead normal, productive lives.

It is with this thought that I bring to your attention a perfect example of what may occur in the face of legislative inaction. The Federal District Court for the Eastern District of Wisconsin has mandated an air quality plan for Chicago which is nothing less than a ball and chain which will shackle the freedom of the people of that great city. This plan will force the EPA to resort to such drastic measures as gasoline rationing, restrictions on high octane gasoline sales, mandatory alternative work schedules and other measures which will disrupt lifestyles and business in Chicago.

The court, however, was only doing its job when it ordered the EPA to design a clean air plan for Chicago. Likewise, the EPA will act in good faith to prepare a plan which is consistent with the court order. Good intentions, however, often pave the road to an unpleasant location, and the EPA plan could have disastrous ef-

fects. Fortunately, this plan has been delayed. Under pressure from the Illinois delegation, the EPA has decided to fund a comprehensive, 4-year study of the Illinois air basin which will provide a scientific basis for pollution reduction in the area. Still, the city of Chicago needs a complete solution.

While environmental cleanup is an imperative, it also has significant costs. Illinois is one of the Nation's leading producers of high sulfur coal. The President's reliance on market solutions could easily cost thousands of jobs in Illinois. Market incentives, while important, cannot provide the whole solution. Cost sharing and mandatory technologies for the cleaner burning of Illinois coal are essential steps to clean air without unnecessary sacrifices of jobs.

Implementation of clean air legislation will cost businesses and taxpayers money. The administration itself estimates that implementation of their clean air proposal, still in a very rough form, will cost U.S. corporations \$14 to \$18 billion annually. Other clean air proposals will also cost substantial amounts to implement.

But, no matter how much it costs to clean up our air, it is cheaper than continuing to condemn our citizens to poor health, cancer, crop and economic damage, as well as the threat of lawsuits and unreasonable changes in lifestyle. We can improve both our health and our economy through thoughtful and timely clean air legislation.

The Illinois delegation has a special responsibility to see that any clean air legislation passed does not single out particular States or regions for punitive controls. But the Illinois delegation, especially those of us from Chicago, should have a special responsibility to pass clean air legislation to avoid implementation of the faulty court-ordered plan.

It seems as if we are at an impasse. Our courts are forcing medieval remedies to environmental problems, while the President is simply drawing attention to the problem. We, the Members of Congress must act now to find a middle ground. As Representatives, we know the people best, and we will know how different proposals will affect them. But, as legislators, we must make the bold initiatives which will protect our citizens from the carelessness activities to others.

Likewise, as Representatives from Chicago and Illinois, we must worry about the contaminants in our air, as Representatives of the United States, however, we face another grave problem: the contamination of our beaches and oceans.

For too long this country has allowed national and international companies to transport fuels over our precious waterways without enough emphasis placed on preventing spills or establishing procedures for adequately

cleaning up such spills. Instead these companies have pooled their resources to create self insurance pools so when spills do occur they have the financial resources to pay any fines and penalties.

But why don't these same shippers join together and develop safer methods for transporting fuel? Why don't they join together and train captains to safely operate in American waters? Why don't they join together and develop proven procedures and technologies aimed at quick and efficient clean up? No, instead they have joined together and financially protect their bottom—their bottom line.

The current laws and regulations concerning the transportation of oils over our waterways create an atmosphere that rewards financial preparation, and not prevention. The recent Rhode Island spill exemplifies how current law was not enough of an incentive for the captain to act safely. Under Rhode Island law the captain should have waited until a licensed pilot came aboard to steer the ship in. However, in an act of an individual's disregard for such laws, many Rhode Island beaches had to be closed. Laws such as those requiring trained pilots makes good sense, but disregarding them seems to save dollars. It is at this bottom line level that we must demonstrate our concern for protecting our waters and environment.

If we do not begin to rethink the message we send to energy companies, they will continue to place their profit margins above our twin domestic concerns of clean water and cheap energy. My legislation, H.R. 2532, sends the clear message that businesses, if they want to protect their profits, must not just pay for clean up, but must do it correctly and do it quickly. Passage of this legislation will give companies incentives to prepare plans for quick and effective cleanups. And it will give companies incentives to ship fuels in safer vessels, steered by sober, well-trained pilots.

Although Illinois does not border some of the heavily trafficked waterways of America, we as U.S. Congressmen, must continually look to create laws that demonstrate our commitment to ensuring cheap energy, but also our commitment to protecting our water industries and the environment.

After seeing the Grand Canyon I will never underestimate the power of water. To imagine that the relatively small river that runs through its basin, created one of this country's most remarkable wonders, is to realize that water is indeed a powerful resource. However, I refuse to be abated by the argument that it is this same power that will allow the oceans to clean themselves. Maybe Prince William Sound will someday show no signs of the tragic oilspill that oc-

curred there, but the power of logic, the power of fairness and the power of responsibility should guide our environmental policy. Let's leave the power of water to create the scenic wonders and the national landmarks that this country can proudly call our own.

□ 1910

Mr. Speaker, this concludes my remarks in regard to the environment, unless the gentleman from Illinois [Mr. POSHARD] or the gentleman from Illinois [Mr. SANGMEISTER] wish me to yield to them further on this subject.

I want to thank the Chair for his kind indulgence here tonight, and I certainly want to thank both the gentleman from Illinois [Mr. POSHARD] and the gentleman from Illinois [Mr. SANGMEISTER] for their outstanding contribution to this enormously important issue that not only we in Illinois face but that the entire Nation and, to a great degree perhaps, even the entire world faces with our environment.

With those words, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS (at the request of Mr. GEPHARDT) for today through August 4 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. FAWELL, for 60 minutes, on July 18.

Mr. GOSS, for 60 minutes, on July 18.

Mr. SMITH of Vermont, for 5 minutes, today.

Mr. UPTON, for 60 minutes, on July 17, 18, and 19.

Mrs. MORELLA, for 60 minutes, on July 20.

(The following Members (at the request of Mr. FROST) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DE LA GARZA, for 30 minutes, today.

Mr. MARTINEZ, for 30 minutes, today.

Mr. HUTTO, for 10 minutes, today.

Mr. DERRICK, for 5 minutes, on July 13.

Mr. CLEMENT, for 5 minutes, on July 13.

Mr. MONTGOMERY, for 5 minutes, on July 13.

Mr. LIPINSKI, for 5 minutes, on July 18, July 25, and August 1 and 60 minutes on July 26 and August 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. ROWLAND of Connecticut.

Mr. DANNEMEYER.

Mr. BURTON of Indiana.

Mr. DUNCAN.

Mr. GREEN in two instances.

Mrs. VUCANOVICH.

Mr. IRELAND in two instances.

Mr. DORNAN of California.

Mr. PORTER.

Mr. FRENZEL.

Ms. SCHNEIDER.

Mrs. BENTLEY in two instances.

Mr. SUNDQUIST.

Mr. CHANDLER.

Mr. HAMMERSCHMIDT.

Mr. BLILEY.

Mr. LAGOMARSINO.

Mr. ROHRBACHER.

Mr. CRAIG.

Mr. COLEMAN of Missouri.

Mr. SOLOMON.

Mr. RITTER.

(The following Members (at the request of Mr. FROST) and to include extraneous matter:)

Mr. PENNY.

Mr. ROE.

Mr. SLATTERY.

Mr. GUARINI.

Mr. STUDDS.

Mr. STARK in two instances.

Mr. SKELTON.

Mr. MINETA.

Mr. NOWAK.

Mr. HAMILTON.

Mr. SAWYER.

Mr. RICHARDSON.

Mr. TORRICELLI.

Mr. EDWARDS of California in three instances.

Mr. PEASE.

Mr. MILLER of California in two instances.

Mr. DELLUMS.

Mr. KILDEE.

Mr. NEAL of Massachusetts.

Mr. ANTHONY.

Mr. HERTEL.

Mr. MFUME.

Mr. MANTON.

Mrs. BOXER.

Mr. BRYANT.

ADJOURNMENT

Mr. LIPINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, July 13, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1441. A letter from the Archivist, National Archives and Records Administration, transmitting the fourth annual report of the Archivist, which covers the fiscal year ending September 30, 1988, pursuant to 44 U.S.C. 2106; to the Committee on Government Operations.

1442. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to strengthen the intellectual property laws of the United States by providing protection for original designs of useful articles against unauthorized copying; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1549. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990, and 1991, and for other purposes; with amendments (Rept. 101-56, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on House Administration. H.R. 2346. A bill to authorize appropriations for the American Folklife Center for fiscal years 1990, 1991, and 1992 (Rept. 101-134). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLAY: Committee on House Administration. H.R. 2358. A bill to authorize appropriations for fiscal years 1990 and 1991 for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives, and for other purposes; with amendments (Rept. 101-135). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1233. A bill to improve the operation of the Caribbean Basin Economic Recovery Act, and for other purposes; with an amendment (Rept. 101-136). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.R. 2866. A bill to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Mr. BRYANT:

H.R. 2867. A bill to amend part D of title IV of the Social Security Act to extend permanently the Federal tax refund offset program used in child support enforcement; to the Committee on Ways and Means.

By Mr. DYSON (for himself, Mr. FIELDS, Mrs. BENTLEY, and Mr. LIPINSKI):

H.R. 2868. A bill to authorize the Panama Canal Commission to use the interest on payments to Panama that are held in escrow to pay for certain extraordinary expenses incurred as a result of the actions and policies of the de facto Government of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. ENGLISH (for himself, Mr. COLEMAN of Missouri, and Mr. PENNY):

H.R. 2869. A bill to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission, establish registration standards for all exchange floor traders, restrict practices which may lead to the abuse of outside customers of the marketplace, reinforce development of exchange audit trails to better enable the detection and prevention of such practices, establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations, enhance the international regulation of futures trading, regularize the process of authorizing appropriations for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. MANTON (for himself, Mr. LENT, Mr. JONES of Georgia, Mr. SMITH of Florida, Mr. GILMAN, Mrs. COLLINS, Mr. OWENS of New York, Mr. ROE, Mr. ACKERMAN, Mr. DEFazio, Mr. BRYANT, Mr. STARK, Mr. GORDON, Mr. DE LUGO, Mr. McGRATH, Mr. McNULTY, Mr. FAUNTROY, Mr. HOCHBRUECKNER, Mr. RUSSO, Mr. DONNELLY, Mr. FROST, Mr. SCHEUER, Mr. TOWNS, Mr. WOLFE, Mr. SOLARZ, Mr. ENGEL, Mr. MOLINARI, Mr. McEWEN, Mrs. BENTLEY, and Mr. FEIGHAN):

H.R. 2870. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide a lump-sum payment to public safety officers who become totally and permanently disabled as a result of a catastrophic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. RITTER:

H.R. 2871. A bill to amend the Consumer Product Safety Act to extend the act for 2 fiscal years, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHNEIDER:

H.R. 2872. A bill to provide greater maritime safety for Narragansett Bay and Block Island Sound, RI, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Ms. SCHNEIDER (for herself, Mr. SCHEUER, Mr. WALKER, Mr. YOUNG of Alaska, and Mr. RAHALL):

H.R. 2873. A bill to amend the Land Remote-Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Interior and Insular Affairs.

By Mr. SMITH of Vermont (for himself, Mr. BARTLETT, Mr. BALENGER, Mr. GRANDY, Mr. HAYES of Illinois, Mr. HENRY, Mr. PERKINS, Mr. POSHARD, Mr. SAWYER, Mr. FAWELL, Mrs. COLLINS, Mr. GUNDERSON, Mrs. JOHNSON of Connecticut, and Mr. CLINGER):

H.R. 2874. A bill to amend the Carl D. Perkins Vocational Education Act by establishing a National Demonstration Program for Educational Performance Agreement; to the Committee on Education and Labor.

By Mr. TRAFICANT:

H.R. 2875. A bill to amend the Hazardous Materials Transportation Act relating to transportation of hazardous materials in the vicinity of bodies of water which serve as sources of drinking water, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. WATKINS (for himself and Mr. UPTON):

H.R. 2876. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans for the reasonable value of hospital care and medical services provided at rural hospitals that could otherwise be provided to such veterans in facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

H.R. 2877. A bill to amend title XIX of the Social Security Act to permit States the option of providing for supervision of the health care of residents of nursing facilities by nurse practitioners and clinical nurse specialists acting in collaboration with physicians; to the Committee on Energy and Commerce.

H.R. 2878. A bill to amend title XIX of the Social Security Act to clarify the definition of room and board for purposes of home and community-based waivers under the Medicaid Program; to the Committee on Energy and Commerce.

H.R. 2879. A bill to amend title XVIII of the Social Security Act to provide for the distribution of information on recommended preventive health practices to Medicare beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 2880. A bill to amend title 5, United States Code, to include National Weather Service employees and National Environmental Satellite, and Data Information Service [NESDIS] within the immediate retirement provisions applicable to certain employees engaged in hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. BLILEY:

H.R. 2881. A bill to amend the Public Health Service Act to establish a program of block grants to the States for the purpose of consolidated Federal programs with respect to material and child health; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and Agriculture.

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.J. Res. 357. Joint resolution for the reappointment of Samuel C. Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.J. Res. 358. Joint resolution providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. JACOBS:

H.J. Res. 359. Joint resolution proposing an amendment to the Constitution of the United States with respect to physical desecration of the flag of the United States and expenditure of money to elect public officials to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. HUTTO:

H.J. Res. 361. Joint resolution designating the week of September 10 through September 16, 1989, as "Iron Overload Diseases Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. NELSON of Florida (for himself, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS, Mr. AU COIN, Mr. BATEMAN, Mr. BEVILL, Mrs. BENTLEY, Mr. BILBRAY, Mr. BLILEY, Mr. BORSKI, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CARR, Mr. COOPER, Mr. COSTELLO, Mr. DANNEMEYER, Mr. DEWINE, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DYMALLY, Mr. EMERSON, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FLIPPO, Mr. FRENZEL, Mr. FUSTER, Mr. HAMILTON, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HENRY, Mr. HORTON, Mr. HUBBARD, Mr. HYDE, Mr. IRELAND, Mr. KASICH, Mr. KILDEE, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MADIGAN, Mr. MATSUI, Mr. McDADE, Mr. McMILLEN of Maryland, Mr. MFUME, Mr. MOAKLEY, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. MRAZEK, Mrs. MEYERS of Kansas, Mr. MYERS of Indiana, Mr. NAGLE, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OXLEY, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PACKARD, Mr. PALLONE, Mr. PARRIS, Mr. PERKINS, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROE, Mr. ROHRABACHER, Mr. SARPALIUS, Mr. SAWYER, Mr. SCHEUER, Mr. SCHUETTE, Mr. SHUMWAY, Mr. SKAGGS, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mr. STOKES, Mr. TALLON, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VOLKMER, Mr. WALGREN, Mr. WOLF, and Mr. WOLFE):

H.J. Res. 362. Joint resolution designating July 20, 1989, as "Space Exploration Day"; to the Committee on Post Office and Civil Service.

By Mr. MRAZEK (for himself, Mr. TOWNS, Mr. CLARKE, Mr. HOCHBRUECKNER, Ms. PELOSI, Mr. RITTER, Mr. MANTON, Mr. WOLF, Mr. GRAY, Mr. RHODES, Mr. SIKORSKI, Mr. SOLARZ, Mr. MOAKLEY, Mr. DURBIN, Mr. HORTON, Mr. PORTER, Mr. BURTON of Indiana, Mr. GORDON, Mr. ANNUNZIO, Mrs. UNSOELD, Mr. SAXTON, Mr. DELLUMS, Mrs. COLLINS, Mr. ROHRABACHER, Mr. OLIN, Mr. LIPINSKI, Mr. FAUNTROY, Mr. FRANK, Mr. MARKEY, Mr. JACOBS, Mr. DEFazio, Mr. BRYANT, Mr. ACKERMAN, Mr. SCHEUER, Mr. McNULTY, Mr. LEVINE of California, Mrs. MORELLA, Mr. MATSUI, Mr. SOLOMON, Mr. LAGOMARINO, Mr. AU COIN, Mr. TORRICELLI, Mr. MORRISON of Connecticut, Mr. WHEAT, Mr. EVANS, Mr. CAMPBELL of Colorado, Mr. GILMAN, Mr. BILBRAY, Mr. OWENS of Utah, Mr. BROWN of Colorado, Mr. LANTOS, Mr. DOWNEY, Mr. McGRATH, Mr. WYDEN, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. LELAND, Mr. INHOFE, Mr.

KENNEDY, Mr. ATKINS, Mr. WEBER, Mr. McEWEEN, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. BONIOR, Mr. WAXMAN, Mr. KOLTER, Mr. COX, Mr. GEJDENSON, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. WEISS, and Mr. LOWERY of California):

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts; to the Committee on Foreign Affairs.

By Mr. PEASE:

H. Con. Res. 166. Concurrent resolution relating to the establishment of a United States-Japan bilateral framework agreement; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. ROE (for himself, Mr. NELSON of Florida, Mr. WALKER, and Mr. SENSENBRENNER):

H. Res. 197. Resolution to commemorate the 20th anniversary of mankind's first lunar landing; jointly, to the Committees on Science, Space, and Technology and Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

191. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to the National Endowment for the Arts; to the Committee on Education and Labor.

192. Also, memorial of the Legislature of the State of Louisiana, relative to national energy strategy; to the Committee on Energy and Commerce.

193. Also, memorial of the Legislature of the State of Nevada, relative to nutritive carbohydrate sweeteners; to the Committee on Energy and Commerce.

194. Also, memorial of the Legislature of the State of Nevada, relative to the National Trails System; to the Committee on Interior and Insular Affairs.

195. Also, memorial of the Legislature of the State of Louisiana, relative to the 10th amendment to the U.S. Constitution; to the Committee on the Judiciary.

196. Also, memorial of the Legislature of the State of Nevada, relative to a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

197. Also, memorial of the Legislature of the State of Minnesota, relative to the congressional pay raise; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HUNTER introduced a bill (H.R. 2882) for the relief of Senae Takahashi, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. BOGGS, Mr. BONIOR, Mr. CAMPBELL of Colorado, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. EDWARDS of California, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr.

FAZIO, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GUARINI, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. McCLOSKEY, Mr. McHUGH, Mr. McNULTY, Mr. MOAKLEY, Mr. MOODY, Mr. SCHUMER, Mr. STOKES, Mr. STUDDS, Mr. TORRES, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WALGREEN, and Mr. WHEAT.

H.R. 6: Mr. WISE, Mrs. JOHNSON of Connecticut, Mr. COX, Mrs. MEYERS of Kansas, Mr. HYDE, Mr. SCHAEFER, Mrs. VUCANOVICH, Mr. CAMPBELL of California, and Mr. HAMMERSCHMIDT.

H.R. 40: Mr. SPRATT.

H.R. 45: Mr. McNULTY and Mr. SMITH of Vermont.

H.R. 47: Mr. ECKART.

H.R. 56: Mr. DREIER of California, Mr. FAUNTROY, Mr. GRANDY, Mr. IRELAND, Mr. LEHMAN of California, Mr. NEAL of North Carolina, and Mr. SMITH of Florida.

H.R. 83: Mr. OLIN and Mr. WALSH.

H.R. 84: Mr. RUSSO.

H.R. 89: Mr. FALLONE.

H.R. 118: Mr. SKELTON.

H.R. 169: Mr. LEATH of Texas.

H.R. 182: Mr. HOCHBRUECKNER, Mr. SMITH of New Jersey, and Mr. SOLARZ.

H.R. 283: Mr. SARPALIUS and Mr. LELAND.

H.R. 303: Mrs. BOXER, Mr. SYNAR, Mr. BRYANT, Mr. WALGREEN, Mr. LEHMAN of California, Mr. CRAIG, Mr. ROTH, and Mr. McDERMOTT.

H.R. 365: Mr. SCHUETTE.

H.R. 368: Mr. EMERSON, Mr. COLEMAN of Missouri, and Mr. HUBBARD.

H.R. 369: Mr. MARTIN of New York.

H.R. 423: Mr. JONTZ.

H.R. 496: Mrs. KENNELLY, Mr. TOWNS, Mr. ACKERMAN, Mr. BERMAN, and Mr. GORDON.

H.R. 499: Mr. HANCOCK.

H.R. 504: Mr. HANCOCK.

H.R. 509: Mr. ASPIN, Mrs. COLLINS, Mr. FRANK, Mr. OLIN, and Mr. SPENCE.

H.R. 530: Mr. BOEHLERT, Mr. DOWNEY, Mr. SCHEUER, Mr. SOLARZ, and Mr. WEISS.

H.R. 551: Mr. McCLOSKEY.

H.R. 572: Mr. PAXON, Mr. BLILEY, and Mr. CRAIG.

H.R. 578: Mr. BATES.

H.R. 601: Mr. MINETA.

H.R. 624: Mr. DYSON.

H.R. 639: Mr. BEVILL, Mr. BUSTAMANTE, Mr. COSTELLO, Mr. EVANS, Mr. FALEOMAVAEGA, and Mr. DIXON.

H.R. 672: Mr. FAZIO and Mr. TOWNS.

H.R. 675: Mr. BEREUTER.

H.R. 747: Mr. SPENCE and Mr. GONZALEZ.

H.R. 774: Mr. BOUCHER, Mr. CHAPMAN, Mr. KANJORSKI, Mr. McNULTY, and Mr. HEFNER.

H.R. 800: Mr. FROST and Mr. MORRISON of Connecticut.

H.R. 855: Mr. FISH and Mrs. SCHROEDER.

H.R. 1025: Mr. TOWNS.

H.R. 1028: Mr. PAXON, Mr. SPENCE, Mr. ACKERMAN, Mr. MATSUI, Mr. NIELSON of Utah, Mr. SOLARZ, Mr. BROWDER, Mr. HASTERT, Mr. BUECHNER, Mr. COLEMAN of Missouri, Mrs. SAIKI, Mr. GEJDENSON, Mr. LIGHTFOOT, Mr. UPTON, Mr. FRANK, Mr. SCHUMER, Mr. MACHTLEY, Mr. HOLLOWAY, Mr. MILLER of Washington, Mr. TOWNS, and Mr. COOPER.

H.R. 1056: Mr. COLEMAN of Texas, Mr. TALLON, and Mr. JONES of Georgia.

H.R. 1057: Mr. KOSTMAYER, Mr. MURPHY, Mrs. BOXER, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. DYMALLY, Mr. FRANK, Mr. RANGEL, Mr. HAYES of Illinois, Mr. ATKINS, Mr. STARK, Mr. ROE, Mr. ACKERMAN, Mr. FOGLIETTA, Mr. TOWNS, and Mr. MATSUI.

H.R. 1059: Mr. RICHARDSON.

H.R. 1117: Mr. JOHNSTON of Florida.

H.R. 1124: Mr. DELLUMS and Mr. WATKINS.

H.R. 1187: Mr. GILMAN.

H.R. 1243: Ms. SCHNEIDER and Mr. HASTERT.

H.R. 1317: Mrs. MORELLA, Mr. SMITH of Texas, and Mr. NEAL of North Carolina.

H.R. 1383: Mr. McDERMOTT, Ms. OAKAR, Mr. LANTOS, Mr. KASTENMEIER, and Mrs. BOXER.

H.R. 1387: Mr. SENSENBRENNER, Mr. NOWAK, and Mr. TOWNS.

H.R. 1416: Mr. NEAL of North Carolina, Mr. RICHARDSON, Mr. GRANT, Mr. SPENCE, Mr. SCHUETTE, Mr. WALGREEN, Mr. OXLEY, Mr. CROCKETT, Mr. COBLE, Mr. BILBRAY, and Mr. FAWELL.

H.R. 1491: Mr. SHUMWAY and Mr. MACHTLEY.

H.R. 1499: Mr. DeFAZIO, Mr. MILLER of Washington, and Mr. KOLTER.

H.R. 1564: Mr. RITTER, Mr. LANCASTER, Mr. HOCHBRUECKNER, and Mr. SHARP.

H.R. 1676: Mr. RICHARDSON and Mr. WELDON.

H.R. 1746: Mr. IRELAND.

H.R. 1782: Mr. EDWARDS of Oklahoma and Mr. EMERSON.

H.R. 1845: Mr. HAYES of Illinois.

H.R. 1867: Mr. DYMALLY.

H.R. 1957: Mr. HANCOCK.

H.R. 2041: Mr. FASCELL, Mr. BARNARD, Mr. WHITTAKER, Mr. BAKER, Mr. CROCKETT, Mr. SCHAEFER, Mr. VANDER JAGT, Mr. CLEMENT, Mr. GORDON, and Mr. HARRIS.

H.R. 2055: Mr. PACKARD and Mr. LEATH of Texas.

H.R. 2098: Mr. LIGHTFOOT, Mr. MARTIN of New York, Mr. FLAKE, Mr. CARDIN, Mr. CONYERS, Mr. ROYBAL, Mr. LEHMAN of Florida, Mr. NAGLE, Mr. LANCASTER, Mr. VENTO, Mr. CONTE, Mr. BEVILL, Mr. SLATTERY, Mr. HANCOCK, Mr. MACHTLEY, and Mr. SPENCE.

H.R. 2186: Mr. MORRISON of Connecticut, Mr. LEWIS of Georgia, Mrs. COLLINS, Mr. SAXTON, Mr. HORTON, Mr. LEHMAN of Florida, Mr. MARTIN of New York, Mr. ROE, Mr. EMERSON, Mr. JONES of Georgia, Mr. KOLTER, Mr. PAXON, Mr. CLINGER, and Mr. WOLF.

H.R. 2190: Mr. BORSKI, Mr. CROCKETT, Mrs. SCHROEDER, Mr. GEKAS.

H.R. 2209: Mr. HAMILTON and Mr. HAMMERSCHMIDT.

H.R. 2265: Mr. GREEN.

H.R. 2269: Mr. SARPALIUS, Mr. ACKERMAN, Mr. LIPINSKI, and Mr. ECKART.

H.R. 2277: Mr. CRAIG.

H.R. 2300: Mr. CRAIG.

H.R. 2318: Mr. WISE.

H.R. 2319: Mr. WISE, Mr. BUECHNER, Mr. SISISKY, Mr. WATKINS, Mr. BLILEY, Mr. PICKETT, Mr. STALLINGS, Mr. AKAKA, Mr. HENRY, Mr. SPENCE, Mr. GAYDOS, Mr. McCLOSKEY, and Mr. SIKORSKI.

H.R. 2327: Mr. TRAXLER and Mr. TOWNS.

H.R. 2388: Mr. DE LA GARZA, Mr. SMITH of Vermont, Mrs. VUCANOVICH, Mr. JONTZ, Mr. TOWNS, and Mr. WHITTEN.

H.R. 2462: Mr. ENGEL, Ms. KAPTUR, Mr. DYMALLY, Mr. VALENTINE, and Mr. WISE.

H.R. 2515: Mr. MINETA.

H.R. 2529: Mr. WATKINS and Mr. CLINGER.

H.R. 2530: Mr. DONNELLY, Mr. MORRISON of Connecticut, Mr. FAUNTROY, Mr. OWENS of New York, Mrs. COLLINS, Mr. MATSUI, Mr. SMITH of Florida, Mr. BORSKI, Mr. DE LUGO, Mr. HAYES of Illinois, Mr. KOLTER, Mr. STARK, Mr. WISE, Mr. DELLUMS, Mr. TOWNS, and Mr. WALGREEN.

H.R. 2547: Mr. TOWNS, Mr. RAVENEL, Mr. COLEMAN of Texas, Mr. McNULTY, Mr. FAUNTROY, Mr. JOHNSON of South Dakota, and Mr. FORD of Michigan.

H.R. 2575: Mr. LAGOMARSINO, Mr. ENGLISH, Mrs. ROUKEMA, Mr. SWIFT, Mrs. BOGGS, Mr.

SPENCE, Mr. RHODES, Mr. HAYES of Louisiana, Mr. CARDIN, Mr. TORRES, and Mr. VANDER JAGT.

H.R. 2578: Mr. LAGOMARSINO.

H.R. 2585: Mr. SABO, Mr. EDWARDS of California, Mr. CARDIN, and Mr. VENTO.

H.R. 2600: Mr. TOWNS and Mr. YOUNG of Alaska.

H.R. 2632: Mr. SCHEUER, Mr. OWENS of Utah, Mr. RANGEL, Mr. HAYES of Illinois, Mr. MILLER of California, Mr. FAUNTROY, Ms. PELOSI, Mr. KANJORSKI, Mr. DYMALLY, Mr. JONTZ, Mr. BUSTAMANTE, Mr. BRYANT, and Mr. WOLPE.

H.R. 2648: Mr. SIKORSKI.

H.R. 2664: Mr. STOKES, Mr. GARCIA, Mr. FAUNTROY, Mr. FROST, Mr. DEFazio, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ROE, Mr. ACKERMAN, Mr. BROOKS, and Mr. TOWNS.

H.R. 2681: Mr. RINALDO, Mr. DEFazio, Mr. HOUGHTON, Mr. TOWNS, Mr. ECKART, and Mr. HORTON.

H.R. 2712: Mr. SMITH of New Jersey, Mr. MRACEK, Mr. PANETTA, Mr. MADIGAN, Mr. EDWARDS of California, Mr. CARDIN, Mr. RHODES, Mr. WATKINS, Mr. DE LUOGO, Mr. MAVROULES, Mr. MARKEY, Mr. MINETA, Mr. BOSCO, Mr. DICKS, Mr. WOLPE, Mr. GRANT, Mr. ENGEL, Mr. MFUME, Mr. MILLER of California, Mr. DIXON, Mr. WAXMAN, Mr. FAUNTROY, Mr. JAMES, Mr. BRUCE, Mr. BRENNAN, Mr. FORD of Tennessee, Mr. NEAL of Massachusetts, Mr. LIVINGSTON, Mr. DOWNEY, Mr. RICHARDSON, Mr. SCHUETTE, and Mr. GORDON.

H.R. 2732: Mr. RAY and Mr. KOSTMAYER.

H.R. 2754: Mr. BEVILL, Mr. CLEMENT, Mr. CONTE, Mr. DE LA GARZA, Mr. DE LUOGO, Mr. FASCELL, Mr. FOGLIETTA, Mr. FUSTER, Mr. HORTON, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. McGRATH, Mr. MADIGAN, Mr. PALLONE, Ms. PELOSI, Mr. ROE, Mr. SMITH of Florida, and Mr. WALSH.

H.R. 2770: Mr. COMBEST, Mr. JAMES, Mr. ARMEY, Mr. PORTER, Mrs. MORELLA, and Mr. ANNUNZIO.

H.R. 2778: Mr. CAMPBELL of Colorado, Mr. MARTINEZ, Mr. DANNEMEYER, Mr. WILSON, Mr. PENNY, Mr. TRAFICANT, Mr. UPTON, Mr. BROOMFIELD, Mr. HOUGHTON, and Mr. SHARP.

H.R. 2782: Mr. KOLTER, Mr. NEAL of North Carolina, Mr. LEVINE of California, and Mr. MORRISON of Connecticut.

H.R. 2787: Mr. BATES, Mr. DELLUMS, Mr. OLIN, and Mr. HUCKABY.

H.J. Res. 24: Mr. SLAUGHTER of Virginia.

H.J. Res. 35: Mr. CRAIG, Mr. CONTE, Mr. DICKS, Mr. FOGLIETTA, Mr. GREEN, Mr. HAYES of Illinois, Mr. KASICH, Mr. LEHMAN of Florida, Mr. HORTON, Mr. DE LA GARZA, Mr. McEWEN, Mr. LELAND, Mr. BUECHNER, Mr. BRENNAN, Mr. PALLONE, Mr. HANCOCK, Mr. AU COIN, Ms. SLAUGHTER of New York,

Mr. FRENZEL, Mr. BILBRAY, Mr. ORTIZ, Mr. SKAGGS, and Mr. GALLEGLY.

H.J. Res. 82: Mr. CLEMENT, Mr. HAWKINS, and Mr. SLATTERY.

H.J. Res. 91: Mr. HANCOCK.

H.J. Res. 151: Mr. McCLOSKEY, Mr. VALENTINE, Mr. BRUCE, Mr. CAMPBELL of Colorado, Mr. APPLEGATE, Mr. SPENCE, Mr. SOLOMON, Mr. CONYERS, Mr. FALCOMA, Mr. GILLMOR, Mrs. PATTERSON, Mr. HALL of Ohio, Mr. DORNAN of California, Mr. POSHARD, Mr. LAFALCE, Mr. SCHIFF, Mr. SMITH of Mississippi, Mr. WYLIE, Mr. GUARINI, Mr. COSTELLO, Mr. LEHMAN of Florida, Mr. CROCKETT, Mr. MANTON, Mr. MURPHY, Mr. HUTTO, Mr. PALONE, Mr. McNULTY, Mr. ACKERMAN, Mr. ASPIN, Mr. BORSKI, Mr. BOSCO, Mr. CARR, Mr. COLEMAN of Missouri, Mr. DONNELLY, Mr. FAZIO, Mr. LEWIS of California, Mr. MACHTELY, Mr. MATSUI, Mr. NELSON of Florida, and Mr. ORTIZ.

H.J. Res. 199: Mr. KOLTER.

H.J. Res. 221: Mr. ANDREWS, Mr. BRUCE, Mr. DONNELLY, Mr. FRENZEL, Mr. GRANDY, Mr. KENNEDY, Mr. NATCHER, Mr. SHAYS, Ms. SLAUGHTER of New York, Mr. TAUKE, Mr. TRAXLER, and Mr. VENTO.

H.J. Res. 223: Mr. FORD of Michigan, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mr. TOWNS, and Mr. EVANS.

H.J. Res. 231: Mr. DELLUMS, Mr. KOSTMAYER, Mr. McDade, Mr. McEWEN, Mr. MOAKLEY, Mr. ROBINSON, Mr. HEFNER, Mr. EMERSON, Mr. ATKINS, Mr. DARDEN, Mr. GRAY, Mr. HAYES of Louisiana, Mr. LIPINSKI, Mr. MFUME, Mr. MILLER of California, Mr. MURPHY, Mr. WEISS, Mr. ROE, Mr. DONNELLY, and Mr. ANTHONY.

H.J. Res. 265: Mr. MINETA, Mr. REGULA, Mr. DONALD E. LUKENS, Mr. PURSELL, Mr. McCANDLESS, Mr. FISH, Mr. PETRI, Mr. GREEN, Mr. DANNEMEYER, Mr. FLORIO, and Mr. SHAYS.

H.J. Res. 278: Mr. FISH, Mr. SCHIFF, Mr. RIDGE, Mr. OBERSTAR, Mr. HUTTO, Mr. PALONE, Mr. CLINGER, and Mr. KOLTER.

H.J. Res. 297: Mr. HUBBARD, Mr. HALL of Texas, and Mr. RAVENEL.

H.J. Res. 309: Mr. CALLAHAN, Mr. SHUMWAY, Mrs. BENTLEY, Mr. WYLIE, Mr. GALLEGLY, Mr. LAGOMARSINO, Mr. SMITH of Texas, and Mr. HORTON.

H.J. Res. 331: Mrs. VUCANOVICH.

H.J. Res. 347: Mr. BRENNAN.

H.J. Res. 348: Mr. HUCKABY, Mr. PARKER, Mr. PAYNE of Virginia, Mr. DANNEMEYER, Mr. HUTTO, Mr. WILSON, and Mr. HOCHBRUECKNER.

H.J. Res. 350: Mr. SISISKY, Mrs. PATTERSON, Mrs. BYRON, Mr. ERDREICH, Mr. WILSON, Mr. McCURDY, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. BROWDER, Mr. SMITH of Mississippi, Mr. STEARNS, Mr. BARNARD, Mr. WHITTAKER, Mr. STANGELAND, Mr. LIGHTFOOT, Mr. KOLTER, Mr. SANGMEISTER, Mrs.

LLOYD, Mr. DARDEN, Mr. HAYES of Louisiana, Mr. MADIGAN, Mr. SHUSTER, Mrs. VUCANOVICH, Mr. McNULTY, Mr. OLIN, Mr. HOCHBRUECKNER, and Mr. CLARKE.

H. Con. Res. 1: Mr. McCLOSKEY and Mr. OBERSTAR.

H. Con. Res. 39: Ms. KAPTUR, Mr. SHAYS, Mr. ROGERS, Mr. WALSH, Mr. DERRICK, Mr. SCHUETTE, Ms. SCHNEIDER, Mr. ECKART, and Mr. SPENCE.

H. Con. Res. 89: Mrs. PATTERSON and Mr. FORD of Michigan.

H. Con. Res. 92: Mr. McCOLLUM, Mr. JONTZ, Mr. IRELAND, and Mr. BRYANT.

H. Con. Res. 128: Mr. LEWIS of Georgia.

H. Con. Res. 129: Mr. GILMAN, Mrs. BOXER, Mrs. MORELLA, Mr. DELLUMS, Mr. BONIOR, Mr. WAXMAN, Mr. PRICE, Mr. WEISS, Mr. EVANS, and Mr. FOGLIETTA.

H. Con. Res. 154: Mr. YATRON and Mr. CLEMENT.

H. Con. Res. 156: Mr. PAYNE of Virginia, Mr. HANCOCK, Mr. NEAL of North Carolina, Mr. GUNDERSON, Mr. McCURDY, Mr. HUBBARD, Mr. McHUGH, Mr. RAHALL, Mr. DERRICK, Mr. WATKINS, Mr. SPENCE, Mr. INHOPE, and Mr. NOWAK.

H. Res. 41: Mr. FISH, Mr. HOLLOWAY, and Ms. PELOSI.

H. Res. 134: Mr. BUECHNER, Mr. DORNAN of California, Mr. BUNNING, Mr. ROSE, Mr. DYMALLY, Mr. PRICE, Mr. SUNDBLUM, Mr. MARTINEZ, Mr. JONTZ, Mr. LAGOMARSINO, and Mr. RANGEL.

H. Res. 149: Mr. OWENS of Utah.

H. Res. 159: Mr. FUSTER, Mr. DYMALLY, Mr. LEWIS of Georgia, and Mr. WALSH.

H. Res. 171: Mr. HENRY, Mr. ROE, Mrs. BOXER, Mr. ATKINS, Mr. JONTZ, Mr. FALCOMA, and Mr. CLEMENT.

H. Res. 184: Mr. PAYNE of Virginia, Mrs. VUCANOVICH, and Mr. BROWN of Colorado.

H. Res. 185: Mr. HORTON, Mr. PARKER, Mr. HUTTO, Mr. HANCOCK, Mr. SCHUETTE, and Mr. HOCHBRUECKNER.

H. Res. 191: Mr. COMBEST, Mr. JAMES, Mr. ARMEY, Mr. PORTER, and Mrs. MORELLA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

58. By the Speaker: Petition of Century Village West Democratic Club, Boca Raton, FL, relative to Congressman Claude Pepper; to the Committee on Post Office and Civil Service.

59. Also, petition of Century Village West Democratic Club, Boca Raton, FL, relative to Medicare recipients, jointly, to the Committees on Ways and Means and Energy and Commerce.